



California Inspection and Maintenance Review Committee

Review of the Smog Check Program 2004

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PART I

EXECUTIVE SUMMARY

PART I: EXECUTIVE SUMMARY

This *report*, by the Inspection and Maintenance Review Committee (IMRC), reviews the recommendations set forth in the *Evaluation of the California Enhanced Vehicle Inspection and Maintenance (Smog Check) Program* (Dated April 2004) jointly drafted by the California Air Resources Board (ARB) and the Department of Consumer Affairs (DCA), Bureau of Automotive Repair (BAR). ARB and BAR used roadside inspection data through the end of 2002 to quantify the effectiveness of the Smog Check program (Program). In addition to roadside inspection data, the ARB and BAR also used the EMFAC2002¹ emissions model in the quantification of emission reductions achieved by the Program. The ARB/BAR Report recommended changes to the Program to improve the emission reduction benefits and consumer friendliness.

ARB/BAR REPORT RECOMMENDATION #1

Clean Screen 5th and 6th Model Year Vehicles to Exempt them from the Biennial Smog Check Inspection.

SB1107 (stats. 2004, chap. 280, §7) excepts all 6-year and newer model year vehicles from the biennial Smog Check inspection.

IMRC Recommendations

Pursuant to the authority granted to BAR by SB1107 (stats. 2004, chap. 280, §7), the IMRC recommends that ARB and BAR develop a methodology to identify and “call-in” any 6-year and newer model year vehicle for a Smog Check inspection if they are identified as probable high emitters. The identification methodologies could include the following:

1. Remote sensing devices used on California’s roadways to identify vehicles or classes of vehicles that are probable high emitters;
2. Data gathered through BAR’s roadside testing activities that suggest a specific make or model vehicle or classes of vehicles may have a high probability of failing the emissions test;
3. Data gathered as a result of the ARB’s vehicle surveillance program; or,
4. Specific make and models of vehicles identified as probable high emitters using BAR’s Vehicle Information Database.

ARB/BAR REPORT RECOMMENDATION #2

Eliminate the 30-Year Rolling Exemption and replace it with an Exemption for Pre-1976 Model Year Vehicles.

The Legislature passed AB2683 (stats. 2004, chap. 704, §1) which freezes the 30-year rolling exemption at pre-1976 model year vehicles effective April 1, 2005.

¹ EMFAC2002 is short for EMISSIONS FACTOR 2002, and is a computer model capable of providing estimates of current, past, and future emissions from on-road motor vehicles from 1970 to 2040.

IMRC Recommendation: None Needed

The Governor signed AB 2683 on September 23, 2004. The IMRC supported this measure.

ARB/BAR REPORT RECOMMENDATION #3

Authorize Annual Smog Check Inspections for Older Model Year Vehicles

IMRC Recommendations

The IMRC recommends that the Legislature adopt a statutory change that provides the following:

1. Authorizes the BAR to implement an annual Smog Check inspection for older model year vehicles provided that “income eligible” motorists have access to repairs funded by the Consumer Assistance Program;
2. Provides BAR flexibility in identifying the appropriate model year vehicles required to be annually inspected;
3. Requires that the additional Certificate of Compliance fees be deposited into the High Polluter Repair and Removal Account;
4. Requires that BAR also develop a methodology to excuse specific vehicles or classes of vehicles likely to pass the annual Smog Check inspection;
5. Requires that owners of vehicles subject to the annual inspection qualify for a fair and accessible Consumer Assistance Program;
6. Require that 1975 and older model year vehicles continue to be excluded from the Smog Check inspection requirement;
7. Requires ARB/BAR and/or IMRC to evaluate the effectiveness and impact of the Consumer Assistance Program;
8. Allows the consumer to select a Smog Check station type of their choice. These vehicles should not be directed to any specific station type.

ARB/BAR REPORT RECOMMENDATION #4

Authorize Annual Smog Check Inspections for High Mileage Vehicles

IMRC Recommendations

The IMRC recommends that the Legislature adopt a statutory change that provides the following:

1. Authorizes BAR to implement annual Smog Check inspections for any vehicle identified as a high mileage vehicle;
2. Identifies high mileage vehicles using a methodology and definition jointly developed by ARB and BAR;
3. Includes private vehicle fleets, government fleets, and individually owned vehicles in the high mileage annual inspection;

4. Allows the use of new technologies in lieu of annual inspections;
5. Authorizes Consumer Assistance Program paid repairs for motorists meeting the income eligibility requirements;
6. Require that 1975 and older model year vehicles continue to be excluded from the Smog Check inspection requirement;
7. Allows the consumer to select a Smog Check station type of their choice. These vehicles should not be directed to any specific station type.

ARB/BAR REPORT RECOMMENDATION #5

Authorize Funding to Restore Enforcement Positions and a Specialized Prosecution Unit within the Attorney General's Office

IMRC Recommendation: None

Due to the passage of SB1542 (stats. 2004, chap. 572, §2) and the comprehensive detail required of the enforcement monitor's report, the IMRC believes it would be premature to comment on this provision of the ARB/BAR Report. Therefore we will withhold any recommendation on this topic until we receive and review the report from the enforcement monitor.

ARB/BAR REPORT RECOMMENDATION #6

Include a Smoke Test as Part of the Smog Check Inspection

IMRC Recommendations

The IMRC recommends that the Legislature adopt a statutory change to both the Health and Safety Code and the California Vehicle Code that provides for the following:

1. Requires the Referee to perform a Smog Check inspection on any motorist's vehicle that receives a citation for violation of §27153 of the California Vehicle Code. The inspection should be conducted subsequent to repairs and prior to resolution of the citation.
2. Requires that the vehicle owner provide some proof of repair or an explanation of the nature of the repair at the time of the Referee appointment. In addition to the explanation of the repair, this proof could include either a parts invoice from an automotive parts supplier or a repair invoice from an automotive repair shop.
3. Authorizes the BAR to implement a visual smoke inspection procedure as a component of the Smog Check inspection.
4. The smoke inspection procedure should not require additional equipment purchases by Smog Check stations since a test that relies exclusively on the technician's observations of the exhaust is adequate for this purpose.

ARB/BAR REPORT RECOMMENDATION #7

Exempt Vehicles That are Two Years Old or Less from the Change of Ownership Inspection

IMRC Recommendation

The IMRC suggests that the Legislature adopt a statutory change to both the Health and Safety Code and the California Vehicle Code that excepts 3-year and newer model year vehicles from the change of ownership Smog Check inspection.

QUANTIFYING THE EMISSION REDUCTIONS

The IMRC reviewed the ARB/BAR methodology for estimating emission reductions from Smog Check and heard a number of questions raised by the public and IMRC members regarding the efficacy of the methodology used.

IMRC Recommendation

1. The IMRC strongly endorses the continuation of random roadside Smog Check inspections to monitor the emission reduction impacts of the Program, since the present method of evaluation has resulted in numerous Program improvements.
2. The IMRC recommends that BAR turn off the “Fast Pass” provision of the Smog Check inspection for a statistically valid sample of inspections to improve emission reduction analysis.

BAR BUDGET & FUNDING

IMRC Recommendations

The IMRC recommends that the Legislature adopt a statutory change that provides the following:

1. Initiates a 5-year repayment schedule for the repayment of the \$114 million dollar loan from the Vehicle Inspection and Repair Fund to the General Fund.
2. Calculates the interest earned on the aforementioned loan at the same rate as the Pooled Money Investment Account.
3. Deposits the funds directly into the High Polluter Repair or Removal Account for use by the Consumer Assistance Program.

PART II

DETAILED REPORTS

INTRODUCTION

BACKGROUND

The Inspection and Maintenance Review Committee's *Review of the Smog Check Program 2004* is hereby submitted to the Legislature and the Governor in accordance with Section 44021 of the Health and Safety Code. The review focuses on the recommendations set forth in the *Evaluation of the California Enhanced Vehicle Inspection and Maintenance (Smog Check) Program* (Dated April 2004) jointly drafted by the California Air Resources Board (ARB) and the Department of Consumer Affairs (DCA), Bureau of Automotive Repair (BAR) and hereinafter referred to as the ARB/BAR Report.

The Inspection and Maintenance Review Committee (IMRC) is authorized to have thirteen members appointed by the Governor, the Speaker of the Assembly, and the Senate Committee on Rules. The Committee has three vacancies. The members and their areas of expertise are identified in Table 1 of the Appendix.

CALIFORNIA'S SMOG CHECK PROGRAM

The Department of Consumer Affairs, Bureau of Automotive Repair administers California's Smog Check program (Program). State law requires that California-registered gasoline-powered motor vehicles have a Smog Check inspection biennially in the "enhanced" and "basic" areas of the State, and on change of ownership in other areas of the State. A loaded mode test is required in enhanced areas of the State whereas a less demanding two-speed idle test is required elsewhere. Figure 1 of the Appendix illustrates geographical areas identified as enhanced, basic, or change-of-ownership areas. Eighty-seven percent of the vehicles subject to California's Smog Check program are in the enhanced areas of the State.

The BAR administers a "decentralized" Program which means that Smog Check stations are privately owned and operated. BAR licenses approximately 8,000 Smog Check stations and 15,000 Smog Check technicians. The Smog Check stations conduct approximately 10 million Smog Check inspections per year which is an important component of California's strategy to improve air quality.

LEGISLATIVE CHANGES OF 2004

The 2004 Legislative session yielded several statutory changes designed to improve the effectiveness and the public acceptance of the Program. Moreover, these Legislative changes also impact the Program recommendations contained in the ARB/BAR Report. Specifically, SB1107 (stats. 2004, chap. 230, §7 & 18) and AB2683 (stats. 2004, chap. 704, §1) made fundamental changes to the Smog Check program, which render some of the ARB/BAR recommendations moot. Although several other bills were chaptered during the 2004 Legislative session that impact the Program, these changes do not effect the recommendations set forth in the ARB/BAR Report.

PROCESS

In accordance with Section 44021 of the Health and Safety Code, the IMRC reviewed the ARB/BAR Report to make recommendations to the Governor and the Legislature regarding the Program. To review the ARB/BAR Report, the IMRC created subcommittees of two members each. Each subcommittee was responsible for reviewing an assigned topic and reporting back to the full committee. The IMRC conducted monthly public meetings to discuss the findings of each subcommittee and receive comments from the public, the automotive repair industry, and other interested parties. Several of these meetings were webcast making them available to the public statewide. In addition, the subcommittees conducted meetings with DCA, BAR and ARB.

Prior to submitting this report to the Governor and the Legislature, the IMRC distributed a draft of our report to the following state agencies and organizations to solicit their comments: the California Highway Patrol, the California Department of Motor Vehicles, the State and Consumer Services Agency, and Air Quality Management Districts. The BAR also distributed an electronic message on behalf of the IMRC via the emissions analyzers used in Smog Check stations, referred to as an “ET Blast”. As a result, approximately 8,000 Smog Check stations received a notification regarding the availability of the draft IMRC report. Another 265 interested parties were notified of the report.

SCOPE

Part I of this report provides an Executive Summary of recommendations. Part II includes the IMRC’s more detailed review for each of the subjects in the ARB/BAR Report. Part III contains comments from State agencies, the public, and the automotive repair industry. Part IV is the Appendix.

In addition, the IMRC is analyzing several topics not included in the ARB/BAR Report. These additional analyses will be ready for submission to the Governor and the Legislature mid 2005. The additional topics are:

- A statistical analysis and comparison of three Smog Check station types; Test and Repair, Test-Only, and Gold Shield;
- A Consumer Information Survey reporting on the public’s recent experience with the Program;
- The extent of Program avoidance and recommendations to lessen the number of vehicles illegally avoiding the Smog Check inspection process; and,
- An assessment of vehicle pre-conditioning² measures used by various types of Smog Check stations that may cause a vehicle to fail at one Smog Check station and pass at another even though no repairs were performed.

² Pre-conditioning refers to the process of warming-up the vehicle’s engine and emission components to operating temperature prior to conducting a Smog Check inspection. Pre-conditioning prevents a vehicle from falsely failing the Smog Check inspection. However, over-conditioning the vehicle can result in a false pass.

PART II: DETAILED REPORTS

ARB/BAR REPORT RECOMMENDATION #1 Clean Screen 5th and 6th Model Year Vehicles

The ARB/BAR Report suggests “Clean Screening” 5th and 6th model year vehicles to except them from the Smog Check inspection when they have a high probability of passing the inspection. However, SB1107 (stats. 2004, chap. 280, §7) excepts all 6-year old and newer model year vehicles from the biennial Smog Check inspection.

IMRC Recommendations

Pursuant to the authority granted to BAR by SB1107 (stats. 2004, chap. 280, §7), the IMRC recommends that BAR and ARB develop a methodology to identify and “call-in” any 6 year and newer model year vehicles for a Smog Check inspection if they are identified as probable high emitters likely to fail the Smog Check inspection. The identification methodologies could include the following:

1. Remote sensing devices used on California’s roadways to identify vehicles or classes of vehicles that are probable high emitters;
2. Data gathered through BAR’s roadside testing activities that suggest a specific make or model vehicle or classes of vehicles may have a high probability of failing the emissions test;
3. Data gathered as a result of the ARB’s vehicle surveillance program; or,
4. Specific make and models of vehicles identified as probable high emitters using BAR’s Vehicle Information Database.

Background

- A. The ARB/BAR Report indicates that excepting all 5th and 6th model year vehicles from the biennial Smog Check inspection requirement would result in an emission reduction loss of 4 tons per day of HC and NO_x pollutants. This is a significant loss of emission reductions needed to achieve California air quality goals.
- B. According to the ARB/BAR Report, excepting the best performing one-third of 5th and 6th model year vehicles (20,000 vehicles per month) from the biennial Smog Check requirement would increase emissions by 0.5 tons per day whereas excepting 54 percent of this vehicle fleet (32,000 vehicles per month) would increase emissions by 1 ton per day.
- C. The cost to reduce the emissions from this segment of the fleet through the traditional Smog Check inspection is approximately \$44,000/ton. In other words, these are relatively expensive emission reductions.

Although the ARB/BAR Report recommends “clean screening” the 5th and 6th model year vehicles, SB1107 (stats. 2004, chap. 280, §7) excepts all 5th and 6th model year vehicles from the Smog Check requirement. SB1107 (stats. 2004, chap. 270, §7) grants authority to the ARB and BAR to require a Smog Check of 6 year and newer model year vehicles if “The department determines through remote sensing activities or other means that there is a substantial probability that the vehicle has a tampered emission control system or would fail for other cause a Smog Check test as specified in Section 44012.”

Impacts the IMRC Considered

Eliminating the 5th and 6th model year vehicles from the Smog Check program will have a negative impact on some Smog Check stations due to the loss of Smog Check inspection and repair income. As indicated in the ARB/BAR Report, the loss of testing income amounts to approximately \$11 million annually. The ARB/BAR Report used one-third of all 5th and 6th model year vehicle inspections (approx. 240,000/year) and an average of \$46 per test (based on 2002 DCA/BAR data). However, SB1107 excepts all 5th and 6th model year vehicles and therefore the loss to Smog Check stations totals approximately \$33 million per year.

The IMRC cannot overlook the exceedingly high cost of identifying emission reductions for this segment of the fleet and the cost to consumers through traditional Smog Checks. Therefore, the IMRC recommends a more cost effective and targeted approach to identifying and repairing likely failing vehicles. These methodologies should be judged by how effectively they identify failing vehicles.

Emission Reduction Estimate

Potentially, this change could reduce HC and NOx emissions by four tons per day, affecting 5 percent of 5th and 6th model year vehicles. Excepting the 5th and 6th model year vehicles from the Smog Check program saves consumers an estimated \$33 million dollars per year. Implementing a program that identifies vehicles that would potentially fail the emission test will provide the additional emission reduction benefits while maintaining a lower overall cost of emission reductions. According to BAR test data, the average Smog Check failure rate for 5th and 6th model year vehicles is five percent.

ARB/BAR REPORT RECOMMENDATION #2

Eliminate the 30-Year Rolling Exemption

The ARB/BAR Report recommends the elimination of the 30-year rolling exemption and replacing it with an exemption for pre-1976 model year vehicles.

IMRC Review

After hearing substantial public testimony at two meetings on the issue, the IMRC at its May 29, 2003 meeting, adopted a resolution recommending to the Governor and State Legislature, that the 30-year rolling exemption be repealed and replaced with a pre-1976 model year exemption. The IMRC recognized the greater emission benefit of inspecting all 1967 and newer model year vehicles but also understands the considerable consumer impact of re-imposing a requirement that had been previously lifted.

AB 2683 of 2004

AB 2683 (stats. 2004, chap. 704, §1) was introduced in January, 2004 and signed by the Governor on September 23, 2004. It repeals the rolling 30-year exemption from the Smog Check program. Specifically, the bill:

1. Declares the Legislature's intent that vehicles of the 1975 model year and older (1974, 1973, etc.) shall be permanently exempted from Smog Check requirements;
2. Repeals the exemption for vehicles 30 years old or older from vehicle maintenance and inspection programs, effective April 1, 2005;
3. Continues the exemption from Smog Check program provisions for vehicles that were manufactured prior to the 1976 model year (1975 model year and older), effective April 1, 2005;
4. Exempts from the visual and functional portion of the Smog Check program "collector motor vehicles," as defined.

The bill defines "collector motor vehicle" as a vehicle that meets all of the following criteria:

1. Submission of proof that the motor vehicle is insured as a collector motor vehicle, as shall be required by regulation of the bureau;
2. The motor vehicle is at least 35 model years old; and,
3. The motor vehicle complies with the exhaust emissions standards for that motor vehicle's class and model year as prescribed by the department, and the motor vehicle passes functional inspection of the fuel cap and a visual inspection for liquid fuel leaks.

Emission Reduction Estimate

According to the ARB/BAR Report, freezing the exemption at pre-1976 model year vehicles and thereby eliminating the 30-year rolling exemption reduces HC and NOx emissions by 5.7 tons per day in 2010.

ARB/BAR REPORT RECOMMENDATION #3

Authorize Annual Smog Check Inspections for Older Model Year Vehicles

The ARB/BAR Report proposes the implementation of an annual Smog Check inspection for 15-year and older model year vehicles.

IMRC Recommendations

The IMRC recommends that the Legislature adopt statutory changes to enable BAR to require annual inspections of older model year vehicles. These changes should:

1. Authorize the BAR to implement an annual Smog Check inspection for older model year vehicles provided that “income eligible” motorists have access to repairs funded by the Consumer Assistance Program;
2. Provide BAR flexibility in identifying the appropriate model year vehicles required to be annually inspected;
3. Require that the additional Certificate of Compliance fees be deposited into the High Polluter Repair or Removal Account;
4. Require that BAR also develop a methodology to excuse specific vehicles or classes of vehicles likely to pass the annual Smog Check inspection;
5. Require that owners of vehicles subject to the annual inspection qualify for a fair and accessible Consumer Assistance Program;
6. Require that 1975 and older model year vehicles continue to be excluded from the Smog Check inspection requirement;
7. Require ARB/BAR and/or IMRC to evaluate the effectiveness and impact of the Consumer Assistance Program;
8. Allows the consumer to select a Smog Check station type of their choice. These vehicles should not be directed to any specific station type.

Background

- A. The ARB/BAR Report shows that Smog Check inspection failure rates increase as vehicles age and the emission systems deteriorate. The failure rate for all model year vehicles equals about 16 percent. By the time vehicles reach 15 years of age, the failure rate increases significantly and averages 30 percent with some early 1980s model year vehicles reaching as high as a 40 percent failure rate.
- B. The ARB/BAR Report estimates that annual testing of older model year vehicles would reduce emissions by 25 tons per day of hydrocarbons and NO_x in 2005 and 27.4 tons per day by 2010. This estimate assumes that 1981 and older model year vehicles would be exempted by 2010 due to the 30-year rolling exemption; actual emissions benefits would be higher because this exemption no longer exists.
- C. The ARB/BAR Report estimates that the Smog Check inspection and repair industry would inspect an additional 2.2 million vehicles annually at a cost of

approximately \$101 million, assuming an average inspection cost of \$46.00 (based on 2002 DCA/BAR data). In addition, the ARB/BAR Report also indicates a failure rate of about 23 percent, which is projected to add another \$72 million in repair costs bringing total costs to \$173 million annually. This equates to a cost effectiveness of \$8,500 per ton for hydrocarbons and NOx emission reductions. In other words, these are relatively cost-effective emission reductions.

- D. On average, older model year vehicles are typically owned and driven by those that can least afford the additional costs of annual inspections and repairs. This presents an obstacle for effective annual testing since the increased costs would be borne disproportionately by those with limited discretionary income.

Proposal

The IMRC recognizes the significant benefits of an annual Smog Check inspection for older model year vehicles, but also understands the need to balance the benefits with other provisions that lessen the burden on those that can least afford the additional expense. Therefore, the addition of the annual Smog Check inspection should include increased funding for the Consumer Assistance Program, and assurances that the Consumer Assistance Program is accessible and equitable.

Annual inspections increase the sale of BAR's Certificates of Compliance by approximately 2.2 million certificates each year. At the current price of \$8.25 each, BAR's income increases by approximately \$18 million annually. Normally, these funds would be deposited into the BAR Vehicle Inspection and Repair Fund. Since these are additional funds, the IMRC suggests that they be deposited into the High Polluter Repair or Removal Account. This increases the funding available to assist lower income consumers with their repair needs during the annual Smog Check inspection.

In addition to the certificate sales, the IMRC also suggests that any loan repayment by the Legislature of funds borrowed to cover the General Fund deficit, also be deposited directly into the High Polluter Repair or Removal Account for use by the Consumer Assistance Program. For more detail on this provision, please refer to the section entitled "BAR Budget & Funding" in this report. The additional funding for the Consumer Assistance Program could ameliorate the negative impact that such a program may have on lower income families. Using the additional Certificate of Compliance fees for Consumer Assistance Program repairs generates approximately \$18 million that will pay to repair 58,000 vehicles; assuming a Consumer Assistance Program repair averages \$313 per vehicle.

Finally, the ARB/BAR Report suggests a possible adjustment to the 15-year and older rule in future years due to the improved emission systems on vehicles beginning with the 1996 model year.

Options

Since a significant portion of 15 year and older model year vehicles pass the Smog Check inspection, the IMRC also agrees with the ARB/BAR Report that some older model year vehicles should be excused from the annual testing requirement. One way to target an annual inspection program more effectively is to allow owners of cleaner emitting vehicles to opt out of an annual inspection and continue to be tested biennially. This provision could be accomplished by using several available options.

Clean Screen

The concept of “clean screening” vehicles can be accomplished using several methods of identifying vehicles likely to pass the Smog Check inspection. One method, referred to as the Low Emitter Profile uses various vehicle data to classify or rank vehicles according to their probability of passing the test. Once the vehicles have been ranked, then only the “most likely to pass” vehicles would be excepted from the annual inspection.

Another method for identifying vehicles likely to pass involves the use of remote sensing devices. These devices are set up on city streets or highways to measure tail pipe emissions as the vehicle drives through the lane. The motorist is not required to stop and submit to any inspection since the device captures multiple measurements of the tail pipe emissions while the vehicle moves through the test lane. Vehicles identified as low emitters through the remote sensing lanes could be excused from the annual Smog Check inspection requirement. It is worth noting that BAR and ARB are jointly evaluating remote sensing devices for possible application in the Smog Check program.

Implementing a “clean screen” process by which some vehicles are excused from the annual Smog Check inspection provides an additional benefit by reducing the overall financial impact. As an example, excusing the cleanest 25 percent of the older model year vehicles would reduce the annual cost by approximately \$25 million in testing fees.

Past Performance

Another method for excepting vehicles from the annual inspection would be to allow vehicle owners to demonstrate that their vehicle passes the Smog Check inspection for 2 or 3 consecutive cycles and subsequently except them from the next annual inspection. If their vehicle continues to pass the biennial Smog Check inspection, as identified in BAR’s Vehicle Information Database, then their vehicle may be excused from the annual Smog Check inspection (though not a biennial inspection).

Impacts the IMRC Considered

Requiring annual inspections for older vehicles involves risks that noncompliance could increase due to lack of financial capacity to conduct the repairs. The Consumer Assistance Program was designed to help consumers comply with Smog Check requirements. Both test-only referred vehicle owners and those meeting an income test can qualify for the Consumer Assistance Program. If annual inspection is required, the Consumer Assistance Program would necessarily need to be augmented proportionately. Since the ARB/BAR Report estimates the annual cost at \$173 million for test and repair costs, we believe that this program requires additional funding in the Consumer Assistance Program to offset the financial impact and reduce potential non-compliance. IMRC will further investigate both non-compliance and consumer information about and access to the Consumer Assistance Program in its next report. However, the investigations to date have been limited and legislative direction to evaluate the Consumer Assistance Program would be wise in light of increased social and economic impacts of Smog Check with annual inspections of older vehicles.

Emission Reduction Estimate

Implementing the annual Smog Check inspection for vehicles 15 years and older increases the Program's emission reductions by 25 tons per day in 2005 and even more in future years which assists the state in achieving air quality goals.

ARB/BAR REPORT RECOMMENDATION #4

Authorize Annual Smog Check Inspections for High Mileage Vehicles

The ARB/BAR Report proposes the implementation of an annual Smog Check inspection for all high mileage vehicles that travel more than 25,000 miles per year.

IMRC Recommendations

The IMRC recommends that the Legislature adopt a statutory change that provides the following:

1. Authorizes BAR to implement annual Smog Check inspections for any vehicle identified as a high mileage vehicle;
2. Identifies high mileage vehicles using a methodology and definition jointly developed by ARB and BAR;
3. Includes private vehicle fleets, government fleets, and individually owned vehicles in the high mileage annual inspection;
4. Allows the use of new technologies in lieu of annual inspections;
5. Authorizes Consumer Assistance Program paid repairs for motorists meeting the income eligibility requirements;
6. Requires that 1975 and older model year vehicles continue to be excluded from the Smog Check inspection requirement;
7. Allows the consumer to select a Smog Check station type of their choice. These vehicles should not be directed to any specific station type.

Background

- A. To evaluate the emissions impact of High Mileage Vehicles, the ARB conducted a study of taxicabs in the Los Angeles and San Francisco areas in 2002. The study concluded that the average taxicab traveled 58,000 miles in 2002, almost 4 times the average miles traveled for passenger vehicles. ARB conducted approximately 1,600 inspections on these vehicles and found about 27 percent with some type of failure. In contrast, the failure rate for other 1992 – 2002 model year passenger cars averaged about 5 percent, 22 percent lower than the taxicab fleet.
- B. Based on the study of taxicabs in Los Angeles and San Francisco, ARB concluded that annual inspections of the taxicab fleet could produce emission reductions of 0.8 tons per day of HC and NO_x and 3.7 ton per day of carbon monoxide emissions. The ARB/BAR Report also concluded that approximately 3 percent of the California vehicle fleet falls into the high mileage category that is currently defined as more than 25,000 miles per year. Therefore, if all high mileage vehicles receive annual Smog Check inspections, the emission reduction benefits could total 6 tons per day of hydrocarbons, 17 tons per day of NO_x, and as much as 102 tons per day of carbon monoxide. It should be mentioned that this is an upper bound for potential benefits. On average, private and government-

owned fleets and individually owned vehicles that meet the high mileage definition may be maintained better than taxicabs.

- C. Most cities and counties identify taxicabs in their local jurisdictions and the DMV database identifies vehicles used as a taxicab. The California Public Utilities Commission licenses “for hire” limousines and other commercial carriers. Government fleets could be required to report mileage on these vehicles. However, an identification problem exists with privately owned fleets and individual owners of high mileage vehicles since only the odometer indicates vehicle miles and this data is not transferred to the DMV except on change of ownership.
- D. SB1107 (stats. 2004, chap. 280, §7) excepts the 5th and 6th model year vehicles from the biennial Smog Check requirement. Therefore, early identification of potential high mileage vehicles becomes impossible until the vehicle reaches seven years old and requires its first Smog Check inspection.

Proposal

The IMRC agrees with the recommendation to implement an annual Smog Check test procedure for high mileage vehicles. Unfortunately, vehicle identification appears to create a significant obstacle to this proposal. Therefore, the IMRC recommends that BAR, in cooperation with the DMV and ARB, develop a high mileage vehicle identification protocol to select vehicles that travel more than twice the number of miles per year of the average passenger car or light duty truck. The identification should include taxicabs, privately owned fleets, government fleets (such as police cars), and privately owned vehicles. Since the ARB/BAR Report estimates a 27 percent failure rate for high mileage vehicles, BAR should develop a methodology to exempt some vehicles from the annual Smog Check inspection requirement and instead send only those most likely to fail the Smog Check inspection.

As an option, new technologies could be used in lieu of an annual inspection that could provide similar emission benefits. One such technology is called Networkcar™, which requires that a telematics device be installed in the vehicle and connected to the vehicle’s computer controlled emission system. When the computer control system identifies an emissions related problem, a message could be sent to BAR indicating an emissions related defect that requires the vehicle owner to have the vehicle repaired. The same system also sends information to BAR upon completion of successful emission-related repairs. The use of this system could eliminate the need for an annual inspection while ensuring that the vehicle remains in compliance. It should be mentioned that BAR and ARB have been testing the usefulness of this new technology with taxicabs for approximately two years.

Impacts the Committee Considered

The IMRC's primary concern involves the inability of BAR or DMV to identify high mileage vehicles. Although many of these vehicles display commercial license plates issued by DMV, this information in and of itself does not identify the vehicle as high mileage.

In addition, some of the high mileage vehicles include commuters who may drive as much as 200 miles per day. The annual inspection would place an additional burden on this segment of society (although some would qualify for the Consumer Assistance Program which minimizes the negative impact).

Emission Reduction Estimate

An annual Smog Check inspection for high mileage vehicles could provide additional emission reductions of 23 tons per day of hydrocarbon and NOx and 102 tons per day of carbon monoxide, at an estimated cost of less than \$10,000 per ton. Including a methodology to excuse some vehicles from the annual inspection requirement may improve the cost effectiveness. The additional option of using newer technologies such as Networkcar™ may also provide a low-cost alternative while ensuring that these vehicles maintain low emissions.

ARB/BAR REPORT RECOMMENDATION #5

Authorize Funding to Restore Enforcement Positions and a Specialized Prosecution Unit within the Attorney General's Office

The ARB/BAR Report proposes increased funding to restore enforcement positions and subsequently improve station performance. This recommendation also requests a specialized prosecution unit within the Attorney General's office and dedicated Administrative Law judges within DCA to conduct hearings associated with disciplinary actions taken by DCA/BAR.

Conclusion

Due to the passage of SB1542 (stats. 2004, chap. 572, §2) and the comprehensive detail required in the mandated enforcement monitor's report, the IMRC believes it would be premature to comment on this provision of the ARB/BAR Report. Therefore we will withhold any recommendation on this topic at this time until we receive and review the enforcement monitor's report.

Background

- A. Since 2001, BAR has lost almost 28 full-time Program Representative positions in the enforcement division. At the same time, they have increased their enforcement activity against licensed stations. Among other things, Program Representatives are responsible for complaint investigation and resolution, conducting station inspections, counseling Smog Check station owners and technicians when found lacking in expertise or procedural requirements, and initiating investigations of suspected fraudulent activity. Although BAR enforcement resources have decreased, the number of Smog Check stations has remained about the same over time and the expansion of the enhanced areas of the State has increased enforcement's workload.
- B. BAR relies on the Licensing Section of the Civil Division of the Attorney General's (AG) office for both preparation of formal accusations and the legal representation in the adjudication of administrative actions. The Licensing section of the AG's office consists of 100 Deputy Attorneys General and represents 34 State agencies.

Unlike other services for which BAR pays pro-rata support, BAR pays the AG on a fee-for-service basis. In the 2003/2004 fiscal year, that fee amounted to over \$2 million. According to the Report to the Joint Legislative Sunset Review Committee, 2003, the AG filed 379 Accusations/Petitions to Revoke Probation against Smog Check stations in the 2001/2002 fiscal year. In contrast, the AG's office filed 3,000 administrative actions on the part of 34 State agencies. This has resulted in an average 7.5 months backlog of Smog Check cases awaiting the drafting and filing of accusations.

- C. The Office of Administrative Hearings employs 53 independent Administrative Law Judges to conduct hearings for over 100 State and 500 local government agencies. The Administrative Law Judge presiding over the hearings renders a judgment based on the evidence presented by the AG and the defendant. Currently, there is a 13.5-month backlog of cases filed with the Office of Administrative Hearings. Therefore, the time required to fully adjudicate a Smog Check case from the time the accusation is filed with the AG and heard by an Administrative Law Judge totals 21 months.
- D. SB1542 (stats. 2004, chap. 572, §2) requires that the Director of the Department of Consumer Affairs appoint a Bureau of Automotive Repair enforcement monitor by January 1, 2005. The enforcement monitor duties include researching and analyzing many of enforcements' functions and in part, include the following:
- The creation of a statutory definition of the term "fraud";
 - The establishment of formal diagnostic and repair standards;
 - The appropriate authorization for, accuracy of, and consistency in, the application of sanctions or discipline imposed on licensees or registrants;
 - The viability and fairness of procedures available to licensees and registrants to respond to allegations of violations prior and subsequent to formal and/or other disciplinary actions being taken;
 - The accessibility, fairness, and independence of the appeals process for licensees and registrants at all levels of the disciplinary process, including procedures to respond to allegations before and after formal and/or other disciplinary actions are taken.

The statute further requires that the enforcement monitor complete a preliminary report to the Legislature no later than July 1, 2005 and subsequent reports every 6 months thereafter. A final report is due prior to December 1, 2006 and the enforcement monitor position expires no later than April 1, 2007, unless that provision is repealed by the Legislature.

ARB/BAR REPORT RECOMMENDATION #6

Incorporate a Smoke Test into the Smog Check Inspection

The ARB/BAR Report proposes a change in state law that would provide the authority to include a smoke test component in the Smog Check inspection.

IMRC Recommendations

The IMRC recommends that the Legislature adopt a statutory change to both the Health and Safety Code and the California Vehicle Code that provides for the following:

1. Requires the Referee to perform a Smog Check inspection on any motorist's vehicle that receives a citation for violation of §27153 of the California Vehicle Code. The inspection should be conducted subsequent to repairs and prior to resolution of the citation.
2. Requires that the vehicle owner provide some proof of repair or an explanation of the nature of the repair at the time of the Referee appointment. In addition to the explanation of the repair, this proof could include either a parts invoice from an automotive parts supplier or a repair invoice from an automotive repair shop.
3. Authorizes BAR to implement a visual smoke inspection procedure as a component of the Smog Check inspection.
4. The smoke inspection procedure should not require additional equipment purchases by Smog Check stations since a test that relies exclusively on the technician's observations of the exhaust is adequate for this purpose.

Background

- A. The current Smog Check inspection does not require a test that inspects for excessive tail pipe smoke. Due to the chemical composition of the smoke, the Emissions Inspection System used in Smog Check stations cannot measure smoke that results from a vehicle burning excessive amounts of motor oil. Therefore, it is possible for a smoking vehicle to be issued a Certificate of Compliance after passing a Smog Check inspection and continue to pollute the air with harmful emissions, especially particulate matter. Section 27153 of the California Vehicle Code provides in pertinent part that "No motor vehicle shall be operated in a manner resulting in the escape of excessive smoke, flame, gas, oil, or fuel residue."
- B. In the 2003 calendar year, the California Highway Patrol (CHP) issued 1,400 citations for violation of §27153 of the California Vehicle Code. It should be noted that CHP officers issue these citations only if the vehicle smokes continuously and not just on acceleration. California is home to more than 116 local police departments and approximately 50 county Sheriff departments and although it is reasonable to assume that local county and police agencies issue additional citations for violations of §27153 of the California Vehicle Code, the IMRC was unable to collect these data.

- C. Clearing these citations requires only that the vehicle be returned to a local police officer for a visual verification that the vehicle is no longer smoking. According to Smog Check technicians, the vehicle's lack of compliance may be disguised through temporary repairs.

Nevada's Smoke Test

As a means of reducing particulate matter, certain counties in Nevada have long included a smoke test in their inspection and maintenance program. Specifically, Chapter 14 of Nevada's Department of Motor Vehicles 1G *Emissions Inspectors Handbook* defines a visible smoke test failure as: "any visible smoke from the tailpipe or crankcase of a motor vehicle during the emission test." Consequently, any smoke identified by the technician causes the vehicle to fail the emissions test.

Nevada's smoke test has identified a substantial number of vehicle failures. For example, during the 2003 calendar year, emission inspectors in Washoe County performed 188,600 tests on 1976 – 1995 model year vehicles. 920, or 0.5 percent of these vehicles were identified as having excessive smoke. The Clark County program netted similar test results in 2003 with a 0.89 percent failure rate after testing 373,725 vehicles.

Proposal

Using Nevada's test procedure as a model, BAR could develop a simple process for technicians to implement a visible smoke test procedure. In the event the motorist disagrees with the Smog Check technician's finding of excessive smoke, the vehicle would then be referred to the State's Referee (Referee) system for resolution. The Referee system currently offers this type of service to consumers who dispute the results of a Smog Check inspection.

Under the terms of this proposal, only a Referee inspector would be authorized to sign-off or clear a citation for excessive smoke. Restricting the clearing of an excessive smoke citation to Referee inspectors is prudent public policy because most law enforcement officers do not have sufficient training or expertise in the repair of motor vehicles.

Impacts the IMRC Considered

As mentioned before, the smoke failure rate for Nevada averages 0.7 percent of the emissions tests conducted. In contrast, the ARB/BAR Report estimates that approximately 200,000 California registered vehicles spew excessive smoke. Based on the number of tests performed in 2003 for 1975 – 1999 model year vehicles, that equals about a 2 percent failure rate. California has never imposed a smoke test procedure in the Smog Check inspection procedure and, therefore, the failure rate will likely be higher for the first cycle of testing.

The addition of a smoke test conceivably increases the amount of time required to conduct a Smog Check inspection. Therefore, Smog Check stations may initially increase the Smog Check inspection price by \$1 - \$2 each, as has occurred for previous additions to the testing procedure. As Smog Check technicians gain experience in the new procedure, the price invariably decreases due to market pressures. Under the provisions of §44062.1 of the Health and Safety Code, lower income motorists whose vehicle fails the Smog Check inspection would be eligible for the Consumer Assistance Program, which defrays the additional costs to the consumer.

Emission Reduction Estimate

According to the ARB/BAR Report, approximately 200,000 gasoline-powered vehicles spew excessive smoke, which may account for as much as 1.6 tons per day of particulate matter. The reduction of these particulates assists the state in complying with air quality goals. Furthermore, adding a visible smoke provision to the existing Smog Check program also assists law enforcement by ensuring that motorists comply with §27153 of the California Vehicle Code.

ARB/BAR REPORT RECOMMENDATION #7

Exempt Vehicles that are Two Years Old or Less from the Change of Ownership Inspection

The ARB/BAR Report proposes that vehicles two years old or less be exempted from the change of ownership Smog Check inspection. However, SB1107 (stats. 2004, chap. 280, §18) exempts all 4-year old and newer model year vehicles from the change of ownership Smog Check inspection.

IMRC Recommendation

The IMRC suggests that the Legislature adopt statutory changes to both the Health and Safety Code and the California Vehicle Code to exempt vehicles 3 years and newer from the change of ownership Smog Check inspection.

Background

A. The ARB/BAR Report indicates that these vehicles have a low failure rate. However, the change of ownership requirement is also a consumer protection mechanism. In other words, this requirement protects the consumer from unknowingly purchasing an illegally modified or high-polluting vehicle. An unsuspecting consumer would never know a problem existed until the vehicle received a Smog Check inspection several years from the time of purchase. This could result in expensive repair costs to bring the vehicle into compliance with the Smog Check emissions standards when the vehicle eventually requires a Smog Check inspection.

B. OBD II and New Inspection Requirements

The IMRC considered that the availability of the On-Board Diagnostic II (OBD II) system might alleviate the problem that could result from this exception. However, there are simple ways to circumvent the OBD II technology. In order to fully understand the problem potentially created by this proposed exemption, it is important to understand how the OBD II system works. To comply with new enhanced emission control and emissions compliance standards, the California Air Resources Board required most 1996 and newer passenger vehicles sold in California to be equipped with numerous on-board emissions diagnostic systems known as OBD II. These systems are capable of performing tests on the vehicle's computer controlled emission systems and alert the driver when a problem is detected via a Malfunction Indicator Light (MIL). These tests are referred to as readiness monitors (monitors) and are typically executed when the vehicle is driven under a specific set of driving conditions. If these monitors are reset (e.g. as a result of the automotive technician clearing diagnostic trouble codes or the removal of power from the on-board computer by briefly disconnecting the battery), the vehicle must be driven through a very specific set of driving

conditions that allows the monitors to run to completion once again to check for emission system defects.

New Smog Check Inspection Requirements

Effective November 12, 2002, BAR implemented the OBD II component of the Smog Check program. This new component requires that the Smog Check technician connect the vehicle's computer to the BAR 97 Emission Inspection System (EIS) via a data link connector. The EIS, following a preprogrammed set of instructions, checks the vehicle's on-board computer to determine if the OBD II system identified any malfunctions and also to ensure that all monitors have run to completion.

When BAR initially implemented the OBD II component, vehicles were allowed to have as many as five monitors that had not run the test through to completion. Consequently, very few vehicles failed the test for the OBD II functional test. As indicated below, BAR gradually reduced the number of monitors allowed to be "not ready":

1. January 15, 2003 – OBD II readiness threshold set to 4
2. April 15, 2003 – OBD II readiness threshold set to 3
3. December 9, 2003 – OBD II readiness threshold set to 2

Figure 1 illustrates the significant impact that this change had on the Smog Check failure rates for 1999 - 2002 model year vehicles.

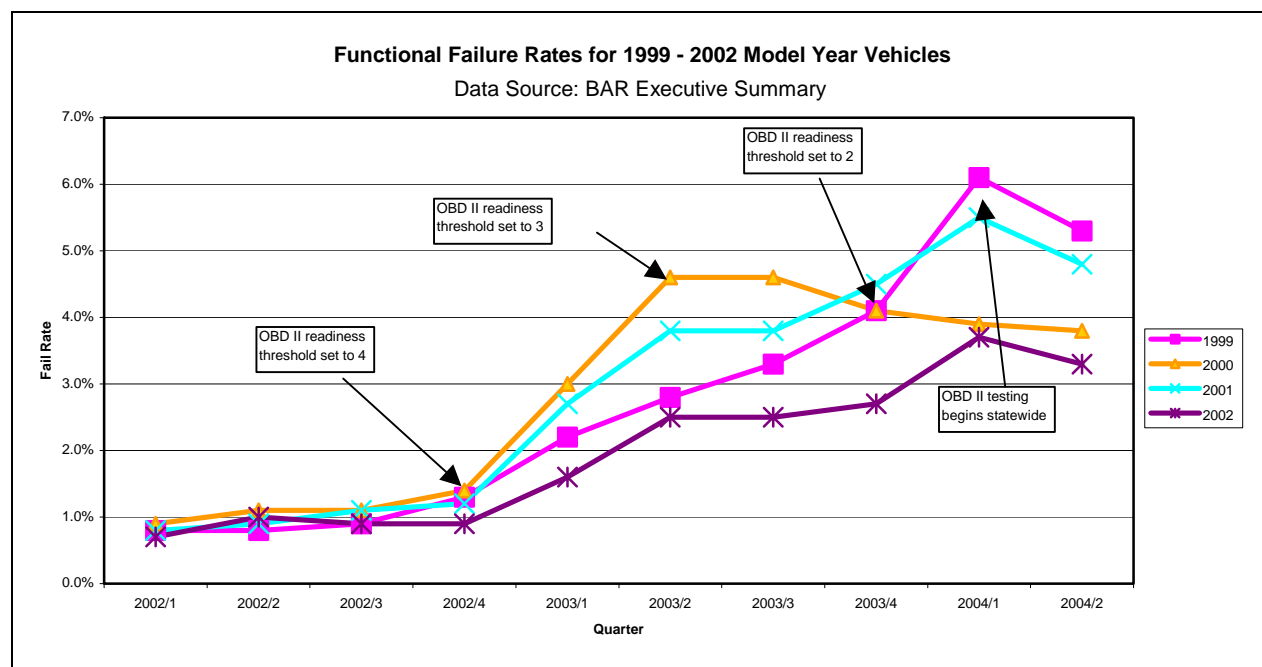


Figure 1

With the passage of SB1107 (stats. 2004, chap. 230, §18), 4-year and newer model year vehicles will be exempt from the change of ownership inspection effective January 1, 2005. Since the majority of failures stem from emission system failures which should be identified by OBD II, the burden placed on unsuspecting vehicle buyers could be alleviated by a functioning MIL. However, if the MIL is inoperative, disconnected, broken, or an unscrupulous seller resets the OBD II system, then the buyer could be subjected to significant repair costs once the system completes the on-board tests and subsequently illuminates the MIL. Assuming that the failure rate remains similar to the failure rates indicated in BAR's Executive Summary for the second quarter of 2004, then the cost to consumers for repairs that were not anticipated when they purchased the vehicle could be as much as \$5.9 million annually. Moreover, the OBD II repair cost could exceed the average statewide repair cost since these systems require a more sophisticated diagnostic procedure and subsequent system repairs. Therefore, the elimination of the change of ownership Smog Check inspection could increase the burden on consumers.

When the vehicle requires a Smog Check inspection at 7 years of age, if the vehicle has any tampered emission control systems or modifications, then the vehicle will not only fail the Smog Check inspection, but the new owner will have no financial relief. Neither the \$450.00 cost limit nor the Consumer Assistance Program apply to vehicles with tampered emission control systems. This extra burden could cost unsuspecting motorists thousands of dollars in unanticipated repair bills to bring the vehicle into compliance with the Smog Check program.

Another important issue stems from the statutorily required emission control warranty that protects the consumer for 3 years or 50,000 miles, whichever occurs first. Since the provisions of SB1107 eliminates the need to perform a Smog Check inspection upon change of ownership, many manufacturers emission warranties may expire before a 3 or 4-year-old vehicle is subjected to a Smog Check inspection. This exposes the consumer to unnecessary costs since some of the emission failures would have been detected during the Smog Check inspection and therefore covered by the emissions warranty. The ARB/BAR Report also states that owners of vehicles with OBD II related failures (e.g. MIL is illuminated) are expected to respond by seeking repairs at the dealership. However, research conducted by the National Center for Vehicle Emission Control and Safety indicates that a majority of drivers either do not know the significance of the MIL or have a tendency to ignore it since they suspect that a cost may be involved in repairs.

Proposal

The IMRC understands that emission reductions for these model year vehicles are costly. However, the consumer protection aspect cannot be overlooked when calculating the costs. Therefore, the IMRC suggests an adjustment to SB1107 which requires 4-year-old vehicles to be inspected at the time of sale.

Impacts the Committee Considered

Most 4-year-old vehicles undergoing a change of ownership inspection may be out of warranty based on vehicle mileage by the time the inspection is performed. In addition, cost effectiveness has not been calculated but it is presumed to exceed the \$5,300 per ton identified previously in the ARB/BAR Report.

Emission Reduction Estimate

The IMRC could not estimate the emissions benefit of change of ownership Smog Check inspections for 4-year-old vehicles. However, the need to continue to monitor emissions performance while the vehicles is under warranty is a sufficient reason to require the inspection.

Requiring a change of ownership inspection for 4-year-old vehicles protects consumers from unscrupulous sellers when they purchase a vehicle. In addition, some of these vehicles will still be under the manufacturers' emission warranty thereby saving money for both the seller and the purchaser in the event the vehicle fails the Smog Check inspection.

QUANTIFYING THE EMISSION REDUCTIONS

The IMRC reviewed the ARB/BAR methodology for estimating emission reductions from the Smog Check program and heard a number of questions raised by the public and IMRC members regarding the efficacy of the methodology used. ARB's response to these questions is included in the Appendix.

IMRC Recommendation

1. The IMRC strongly endorses the continuation of a random roadside inspection program to monitor the emission reduction impacts of the Smog Check program. The present method of evaluation has engendered a critical examination of the Program by the agencies that has resulted in numerous recommendations on ways to strengthen the emission reduction potential of the Program.
2. The IMRC recommends that BAR turn off the "Fast Pass" provision of the Smog Check inspection for a statistically valid sample of inspections to improve emission reduction analysis.

How Does ARB/BAR Estimate Benefits?

ARB/BAR uses two methods for estimating emission reductions from Smog Check. First, they analyze the results of roadside inspections conducted of samples of in-use vehicles. Second, they use the EMFAC2002¹ model to simulate California vehicle emissions with and without the present Program. The results of these two methods are compared in the ARB/BAR Report, page 18, Table 3.5. Although both the roadside and the emissions factors model have specific limitations, both data sets produce similar results.

Roadside inspection data are the fundamental basis for the benefit assessment. This is an independent way to measure impacts through a permanent year round roadside inspection with dynamometer tests of systematic samples of vehicles in the enhanced areas of the State. In addition to the random roadside inspections, the BAR and ARB have conducted special studies on smaller sub samples that have informed their decisions on specific issues such as gas cap testing, liquid leaks, on board diagnostic systems, and pressure tests. They also have lab-test results that inform estimates.

The IMRC was not able to perform an independent analysis of Smog Check records at this time. Due to the "fast-pass" mode used in the loaded mode test, Smog Check records of emissions fail to provide a reliable method for estimating the Smog Check impact on emissions. In a fast-pass mode, the test moves on as soon as the required emission level is passed.

¹ EMFAC2002 is short for Emissions FACtor 2002, and is a computer model capable of providing estimates of current, past, and future emissions from on-road motor vehicles from 1970 to 2040.

As an example, the 15 MPH portion of the loaded mode test has a maximum time frame of 100 seconds. If the vehicle passes the tail pipe emission test with an average reading of “pass” in the first 30 seconds of the test, then the analyzer proceeds to the 25 MPH portion of the test. Therefore, test printouts are not a reliable indicator of on-road emissions. Moreover, the benefits of Smog Check go beyond tailpipe emissions. The total tons reported reduced includes evaporative emission reductions. Evaporative³ emission benefits are substantial and have become a greater part of the program benefit in recent years.

Benefits Compared to Expected Benefits in the 1994 State Implementation Plan

The IMRC heard criticisms that the State Implementation Plan (SIP) requirements established in 1994 and the Program’s performance in relation to those requirements are not accurately portrayed in the evaluation report. The criticism implies that any shortfall between the 1994 SIP estimate of I&M benefits and actual performance is a failure on the part of the State in program implementation.

The IMRC found that the best response to these criticisms is to acknowledge the following:

- The 1994 SIP emission reductions were estimates based on theoretical knowledge at the time;
- Pilot projects provided more information about what could actually be achieved, and benefit estimates changed after pilot projects were completed;
- The 2000 ARB/BAR report compared before and after enhanced Smog Check. Then additional emission reductions were achieved by other unanticipated ARB measures that backfilled the 2000 shortfall;
- Since 2000 there have been two updates of EMFAC with a much better understanding of what is going on in the motor vehicle emission inventory;
- The 2003 SIP has a new inventory basis and new targets. For example, the EMFAC model assumes that vehicle failure occurs on average six months after Smog Check. The deterioration rate by model year is based on studies of samples of vehicles.

Does the Analysis Adequately Account for Deterioration After the Smog Check?

One commenter asked that the IMRC perform a detailed examination of roadside data to compare failure rates before and after a Smog Check inspection. The purpose of this exercise appears to have been to provide more specific information regarding the durability of repairs and therefore the extent of emission reductions gained through repairs. The IMRC considered the requested data analysis and determined that it would not produce reliably better results than a similar analysis performed by ARB and reported in the Report’s Technical Appendix on pages 2-24 to 2-30.

³ Evaporative emissions are vaporous emissions that emanate from the fuel tank, fuel delivery lines, gas cap, or any fuel evaporative system component.

This analysis indicates that repairs frequently are not durable, likely due to both fraudulent testing and poor workmanship. However, there can be various causes for non-durable repairs including the consumer's willingness to pay. This same analysis is the basis for the vehicle failure rate assumed in EMFAC2002. In addition, the ARB commented on this issue with a detailed response and is included in the Appendix as Attachment 2.

Overall Assessment of Air Quality Benefits of Smog Check

The IMRC recognizes that our ability to estimate the benefit of the Program is severely limited by the fact that no one can test and compare a population of vehicles subject to the Program with an identical population of vehicles not subject to the Program. In essence, it is not possible to quantify the full benefit of the California Smog Check program because no one can make this fundamental comparison.

There are a number of benefits of the Program that are not directly measured:

- The motivation for vehicle owners to maintain their vehicles so they do not fall into disrepair;
- The motivation of vehicle manufacturers to install durable emission control equipment;
- The motivation that vehicle owners have to avoid failing Smog Check, leading to pre-inspection repairs.

Conclusion

The present method of evaluation has engendered a critical examination of the Program by the agencies that has resulted in numerous recommendations on ways to strengthen the emission reduction potential of the Program. The key to this method is a random roadside inspection program. The IMRC appreciates this approach and encourages the agencies to continue to look for cost effective emission reductions in the Smog Check process.

BAR BUDGET & FUNDING

Summary

During the monthly meetings of the Inspection and Maintenance Review Committee, several attendees voiced concerns over the BAR budget and questioned transfers of funds to other government entities, loans to the General Fund, and recent statutory changes associated with smog abatement fees. The IMRC has reviewed the BAR budget process and has several recommendations.

IMRC Recommendations

The Committee recommends that the Legislature adopt a statutory change that provides the following:

1. Initiates a 5-year repayment schedule for the repayment of the \$114 million dollar loan from the Vehicle Inspection and Repair Fund to the General Fund;
2. Calculates the interest earned on the aforementioned loan at the same rate as the Pooled Money Investment Account;
3. Deposits the funds directly into the High Polluter Repair or Removal Account for use by the Consumer Assistance Program.

Background

- A. The Bureau of Automotive Repair (BAR) is a specially funded organization that receives no funding from California's General Fund. The revenue sources BAR receives include monies from licensing fees, smog abatement fees collected by the Department of Motor Vehicles (DMV), the sale of Certificates of Compliance, and fines and penalties.

Owners of vehicles four years old and newer pay a \$6.00 Smog Abatement Fee as part of their DMV registration renewal. The Smog Abatement Fee is intended to be used to offset the potential emissions reductions lost as a result of these vehicles being excused from the Smog Check inspection for the first 4 years. Pursuant to Section 44091 of the Health and Safety Code, \$2.00 of the fee is deposited into the High Polluter and Repair or Removal Account while the remaining \$4.00 is deposited in the Vehicle Inspection and Repair Fund. The various licensing, smog abatement, and certificate fees collected amount to over \$120 million annually. The sale of Smog Check Certificates of Compliance generates the majority of BAR's funding. The Legislature annually appropriates the amount of funding based on their review of BAR's projected budget needs.

BAR funding is separated into two accounts: 1) the Vehicle Inspection and Repair Fund; and 2) the High Polluter Repair or Removal Account. The Vehicle Inspection and Repair fund pays for all BAR operations with the exception of the Consumer Assistance Program. The revenue source for the Consumer Assistance

Program is generated primarily from \$2.00 of the \$6.00 Smog Abatement fee paid by owners of 4 year and newer model year vehicles, which is deposited into the High Polluter Repair or Removal Account. The Consumer Assistance Program derives additional funding from the sale of vehicles impounded by local law enforcement agencies pursuant to §14607.6 of the California Vehicle Code.

During public meetings of the IMRC, attendees have complained that BAR funds were diverted to agencies other than BAR and for uses other than the Smog Check program. Although the IMRC lacks the resources required to perform a complete fiscal audit of BAR expenses, a subcommittee met with BAR staff and budget staff from DCA to review appropriations and expenditures. Based on numerous interviews with BAR and DCA staff to review BAR's budget process, the subcommittee found no evidence to substantiate the allegations. All expenditures and distribution of funds, including funds to cover the overhead charges and indirect expenses of the Department of Consumer Affairs and the State and Consumer Services Agency, appear to be reasonable and appropriate and compliant with state statute and the Department of Finance's policies and guidelines.

- B. In the last three years, the Governor and the Legislature have approved borrowing of approximately \$114 million from the Vehicle Inspection and Repair Fund to assist the State offset the General Fund shortfall. In 2002, AB425 (stats. 2002, chap. 379, §2, Item 111-011-0421) transferred \$100 million from the Vehicle Inspection and Repair Fund to the General Fund and requires that the loan be repaid with interest at the rate earned by the Pooled Money Investment Account. Again in 2003, AB1765 (stats. 2003, chap. 157, §2, Item 1111-003-0421) transferred another \$14 million to the General fund with the same interest provisions on repayment.

Section 16320 (b) (1) of the Government Code states, in pertinent part, that "The Director of Finance shall order the repayment of all or a portion of any loan made pursuant to subdivision (a) if he or she determines that either of the following circumstances exists:

- (A) The fund or account from which the loan was made has a need for the moneys.
- (B) There is no longer a need for the moneys in the fund or account that received the loan."

Section 16320 of the Government Code suggests that the repayment requires a request from the lending agency and the lending agency must identify a specific monetary "need" prior to any loan repayment. However, it does not identify what qualifies as a "need" nor does it address whether expanding an ongoing program such as the Consumer Assistance Program would qualify as a "need".

- C. Recent legislation, SB1107 (stats. 2004, chap. 280, §7 & 8), made significant changes to the Smog Check program and diverts some funds that would otherwise

be deposited into the Vehicle Inspection and Repair Fund and the High Polluter Repair or Removal Account. These funds now will be deposited into the Air Pollution Control Fund, administered by the Air Resources Board (ARB). Specifically, SB1107 excepted the 5th and 6th model year vehicles from the biennial Smog Check requirement and imposed a \$12 smog abatement fee on 6 year and newer model year vehicles effective January 1, 2005. SB1107 requires that \$6 of the fee be deposited into the Air Pollution Control Fund to provide additional funding to the Carl Moyer Memorial Air Quality Standards Attainment Program (Carl Moyer Program) administered by ARB. These additional funds for the Carl Moyer Program will achieve additional NO_x and particulate matter emission reductions from mobile and stationary diesel sources.

Proposals

The IMRC suggests that the Legislature initiate a 5-year repayment schedule of the \$114 million previously borrowed from the Vehicle Inspection and Repair Fund. These funds should be deposited directly into the High Polluter Repair or Removal Account to support the expansion of the low income Consumer Assistance Program. Based on a principal amount of \$114 million, the payment equals approximately \$22.8 million annually plus interest. As previously mentioned, the interest accrued would be equal to that earned by the Pooled Money Investment Account.

Benefits

The suggested five-year repayment schedule provides a long-term repayment timetable to minimize the negative impact that an immediate repayment could have on California's current General Fund shortfall. Repayment of these funds would assist in the expansion of the low income Consumer Assistance Program.

PART III

COMMENTS

REPORT COMMENTS

As previously mentioned in the introduction of this report, the IMRC distributed a draft report to the following state agencies and organizations to solicit their comments: the California Highway Patrol, the California Department of Motor Vehicles, the State and Consumer Services Agency, the Bureau of Automotive Repair, the Department of Consumer Affairs, the California Air Resources Board, and the Air Quality Management Districts. The Bureau of Automotive Repair also distributed an electronic message on behalf of the IMRC via the emissions analyzers used in Smog Check stations, referred to as an “ET Blast”. As a result, approximately 8,000 Smog Check stations received a notification regarding the availability of the draft IMRC report. Another 265 interested parties were notified of the report.

The IMRC accepted comments via e-mail, US Mail, fax, and a special Internet comments page that transmitted comments directly to an IMRC database. As a result, we received 42 comments from government agencies, organizations, technicians, automotive shop owners, consumers, automotive instructors, and other interested parties. Although most of the comments specifically addressed recommendations set forth in the IMRC report, others did not. However, the Governor and Legislature may be interested in the additional comments and therefore we have included them in a separate section labeled as "Other Comments". In addition, the Committee received one letter that included a significant number of the shop owner’s daily calendar. These pages have been added to the Appendix section of this report. The comments have been categorized into four sections: State Agencies, Automotive Industry, Consumers, and Other Comments.

COMMENTS

Government Agencies



DEPARTMENT OF CONSUMER AFFAIRS
BUREAU OF AUTOMOTIVE REPAIR
EXECUTIVE OFFICE

10240 SYSTEMS PARKWAY, SACRAMENTO, CA 95827
PHONE: (916) 255-4300 ♦ FACSIMILE: (916) 255-1369



January 19, 2005

Victor Weisser, Chairman
Inspection & Maintenance Review Program
1001 I Street
Sacramento, CA 95814

Dear Mr. Weisser:

As background, the current joint draft Air Resources Board (ARB)/Bureau of Automotive Repair (BAR) report was prepared in accordance with Health and Safety Code 44021(e) and was released in early 2004.

The Inspection and Maintenance Review Committee (IMRC) has now reviewed the draft ARB/BAR report and has prepared comments in draft form. These comments have been distributed to interested parties for comment.

Much has occurred in the interim between the release of the draft ARB/BAR report and the IMRC review of that report, which warrants comment by BAR. Beginning January 1, 2005, a number of statutory changes to the program become effective, and significantly alter the context in which the draft ARB/BAR report was issued.

The new laws implement many of the original recommendations. As a consequence, BAR is not prepared to endorse recommendations that may modify these new programs. Consumers, businesses, and government entities should be allowed adequate time to understand and assess these legislative consequences prior to us proposing modifications. Consumer understanding of the new program is fundamental to both acceptance and compliance with the law. Frequent changes or unique exceptions undermine this acceptance.

As a result, BAR provides the following comments regarding IMRC's current recommendations:

ARB/BAR REPORT RECOMMENDATION # 1

Clean Screen 5th and 6th Model-Year Vehicles to Exempt them from the Biennial Smog Check Inspection.

IMRC recommends that BAR and ARB develop a methodology to identify and 'call-in' any six year and newer model-year vehicle for a Smog Check Inspection if they are identified as probable high emitters.

The methodologies could include:

- Remote sensing devices used on California's roadways to identify vehicles or classes of vehicles that are probable high emitters;
- Data gathered through BAR's roadside testing activities that suggest a specific make or model vehicle or classes of vehicles may have a high probability of failing the emissions test;
- Data gathered as a result of the ARB's vehicle surveillance program; or,
- Specific make and models of vehicles identified as probable high emitters using BAR's Vehicle Information Database.

BAR Response:

- The law has been changed to exempt all 5th and 6th model-year vehicles from the Smog Check Program. In exchange for this exemption, consumers will now be assessed a fee. This fee will be used to fund programs that produce greater emission reductions.
- The new program should be given an opportunity to become fully implemented prior to considering any modifications including "calling-in" vehicles.

Re: ARB/BAR REPORT RECOMMENDATION # 3

Authorize Annual Smog Check Inspections for Older Model Year Vehicles

IMRC Recommendations:

The IMRC recommends that the Legislature adopt a statutory change that provides the following:

- Authorizes the BAR to implement an annual Smog Check inspection for older model year vehicles provided that "income eligible" motorists have access to repairs funded by the Consumer Assistance Program.
- Provides BAR flexibility in identifying the appropriate model year vehicles required to be annually inspected.
- Requires that the additional Certificate of Compliance fees be deposited into the High Polluter Repair and Removal Account.
- Requires that BAR also develop a methodology to excuse specific vehicles or classes of vehicles likely to pass the annual Smog Check inspection.
- Requires that vehicles subject to the annual inspection qualify for a fair and accessible Consumer Assistance Program.
- Requires ARB/BAR and/or IMRC to evaluate the effectiveness and impact of the Consumer Assistance Program.

BAR Response:

- The original recommendation to authorize an annual Smog Check Inspection for older model-year vehicles was made prior to the changes in statute.
- New changes to the law provide for additional resources to be used for BAR's vehicle retirement program. The Governor has proposed a budget that includes an additional \$13+ million in FY 2005-06 for this purpose.
- The enhanced vehicle retirement program will have the effect of permanently removing older vehicles from the road.
- For this reason, BAR recommends that impacts of the new laws be analyzed prior to implementing an annual inspection program for older vehicles.

***Re: ARB/BAR REPORT RECOMMENDATION # 4
Authorize Annual Smog Check Inspections for High Mileage Vehicles***

IMRC Recommendations:

The IMRC recommends that the Legislature adopt a statutory change which provides the following:

- Authorizes BAR to implement annual Smog Check inspections for any vehicle identified as a high mileage vehicle.
- Identifies high mileage vehicles using a methodology and definition jointly developed by ARB and BAR.
- Includes private vehicle fleets, government fleets, and individually owned vehicles in the high mileage annual inspection.
- Allows the use of new technologies in lieu of annual inspections.
- Authorizes Consumer Assistance Program paid repairs for motorists meeting the income eligibility requirements.

BAR Response:

- After further review, it is BAR's position that annual testing of high mileage vehicles is problematic and should not be pursued at this time.
- The recommendation was based upon taxi-cab data that is unlikely to accurately represent the general category of high mileage vehicles.
- No current technology or appropriate methodology exists to capture this high mileage occurrence.
- The concept of utilizing new technologies to identify high-mileage vehicles must first address various concerns of consumer advocates and privacy groups.
- Most high mileage vehicles are six years or newer. Consequently, to apply unique rules to this category of vehicles will serve to modify the new laws, confuse the public, and adversely impact small businesses.

Re: ARB/BAR REPORT RECOMMENDATION # 6
Include a Smoke Test as Part of the Smog Check Inspection

IMRC Recommendations:

The IMRC recommends that the Legislature adopt a statutory change to both the Health and Safety Code and the California Vehicle Code that provides for the following:

- Requires that Referee to perform a Smog-Check inspection on any motorist's vehicle that receives a citation for violation of §27153 of the California Vehicle Code. The inspection should be conducted subsequent to repairs and prior to solution of the citation.
- Requires that the vehicle owner provide some proof of repair or an explanation of the nature of the repair at the time of the Referee appointment. In addition to the explanation of the repair, this proof could include either a parts invoice from an automotive parts supplier or a repair invoice from an automotive repair shop.
- Authorizes the BAR to implement a visual smoke inspection procedure as a component of the Smog-Check inspection.
- The smoke inspection procedure should not require additional equipment purchases by Smog Check stations since it will be a subjective test that relies exclusively on the technician's observations of the exhaust similar to the test used in Nevada.

BAR Response:

- BAR understands this recommendation to be that only those vehicles receiving a citation for smoke violations should be subject to inspection by the Referee. Air Quality Districts have programs in place to report and address smoking vehicles. An additional subjective test may compound disputes and thereby undermine enforcement.

Re: ARB/BAR REPORT RECOMMENDATION # 7
Exempt Vehicles that are Two Years Old or Less from the Change of Ownership Inspection

IMRC Recommendation:

The IMRC suggests that the Legislature adopt statutory change to both the Health and Safety Code and the California Vehicle Code to exempt vehicles 3-years and newer from the change of ownership Smog Check inspection.

BAR Response:

- New law exempts vehicles four-years and newer from the change of ownership Smog Check Inspection. No further changes should be made at this time.

QUANTIFYING THE EMISSION REDUCTIONS

The IMRC reviewed the ARB/BAR methodology for estimating emission reductions from Smog Check and heard a number of questions raised by the public and IMRC members regarding the efficacy of the methodology used.

IMRC Recommendations:

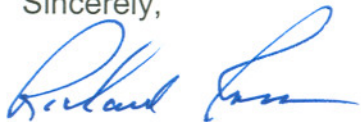
- The IMRC strongly endorses the recommendation of random roadside Smog Check inspections to monitor the emission reduction impacts of the program, since the present method of evaluation has resulted in numerous Program improvements.
- The IMRC recommends that BAR eliminate the "Fast Pass" provision of the Smog Check inspection for at least a portion of the tests in order to provide more information about Smog Check benefits.

BAR Response:

- BAR concurs that various study methods, including roadside testing, do provide data for analysis of emission reductions.
- The existing "Fast Pass" provision is an economical and efficient methodology available to assess vehicle emissions. Further analysis should be conducted prior to eliminating this testing methodology.

The BAR appreciates both IMRC's review of the ARB/BAR draft report and the subsequent opportunity to respond. Many significant changes and improvements to the program are occurring and the BAR is excited about moving forward with expanding its vehicle retirement program and related consumer outreach efforts. If we can provide the IMRC with any additional clarification regarding our responses, please do not hesitate to contact me.

Sincerely,



Richard Ross, Chief
Bureau of Automotive Repair
Department of Consumer Affairs



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

Office of the Executive Officer
Barry R. Wallerstein, D.Env.
909.396.2100, fax: 909.396.3340

January 13, 2005

Mr. Victor Weisser
Chair
California Inspection and Maintenance Review Committee
1001 I Street, Suite 106
Sacramento, CA 95814

Dear Mr. Weisser:

AQMD Comments on IMRC Review of the Smog Check Program 2004 Report

This letter provides South Coast Air Quality Management District (AQMD) staff comments regarding the recent California Inspection and Maintenance Review Committee (IMRC) report entitled "Review of the Smog Check Program 2004." Our comments are divided into the following two categories: 1) emission benefits analysis; and 2) program enhancements.

In the emissions analysis category, the IMRC report does not address what appears to be a significant shortcoming in the current Inspection and Maintenance Program (IM Program) relative to the lack of loaded mode testing capability for four-wheel drive and all-wheel drive vehicles. As you may be aware, current loaded mode testing equipment utilizes a single roller design for the purpose of applying a transient load to two-wheel drive vehicles. This single roller system is incompatible with four-wheel drive and all-wheel drive vehicles where engine power is transmitted to all four wheels. As a result, only a two-speed idle test is applied to such vehicles, thereby resulting in no oxides of nitrogen emission data as well as poorer quality hydrocarbon and carbon monoxide emissions data, leading to diminished numbers of emission control component repairs and lower IM Program air quality benefits. Due to the growing popularity of Sport Utility Vehicles (SUVs) and other types of vehicles with off-road capability that are equipped with four-wheel drive or all-wheel drive, we recommend that the IMRC report include an investigation into the feasibility of establishing a sub-network of smog check stations (i.e. referee stations) that can apply loaded mode emissions testing to such type of vehicles.

Mr. Victor Weisser

2

January 13, 2005

A related concern regarding this issue is that it is unclear as to whether or not CARB's EMFAC2002 emissions model accounts for this loss of emission reduction opportunity. If the model does not account for such difference in the type of testing afforded to such vehicles the benefits from the Smog Check Program could be overestimated.

Our second comment in the area of emissions analysis deals with our understanding that many consumers voluntarily have their vehicles tested at a test-only stations for purpose of biennial inspections. We understand that this segment of the population continues to grow and almost match the number of consumers who are directed to test-only stations. With the understanding that California, as part of its commitment to make up for emission reductions shortfall from the Smog Check Program, committed to increase the percentage of vehicles directed to test-only stations as part of the 1997 State Implementation Plan, we believe that the same level of control factor should be afforded those consumers who voluntarily get their vehicles tested at a test-only station. It is not clear whether such provisions are afforded within the application of the EMFAC emissions model for district planning purpose.

In the area of program enhancements, AQMD staff believes that there are several program enhancements not requiring legislative changes. We believe that at a minimum, the IMRC report should recommend the establishment of annual emissions testing for high mileage fleets and the inclusion of motorcycles and diesel powered light and medium duty vehicles into the current smog check program. We do not believe that such program enhancements require legislative amendments.

If you have any questions regarding any of our comments concerning the review of the Smog Check Program 2004 Report, please feel free to call me at (909) 396-2100 or Mr. Dean Saito, Manager Fleet Rules Implementation Unit, at (909) 396-2647.

Sincerely,



Barry R. Wallerstein, D.Env.
Executive Officer

CSL:HH:DKS:DRC

DEPARTMENT OF MOTOR VEHICLES
REGISTRATION OPERATIONS DIVISION
P.O. BOX 825393
SACRAMENTO, CA 94232-5393



January 14, 2005

Mr. Victor Weisser, Chair
California Inspection & Maintenance Review Committee (IMRC)
1001 I Street, Room 106
Sacramento, California 95818

Dear Mr. Weisser:

Director Joan M. Borucki has asked me to respond to your letter of December 16, 2004, requesting comments on the draft of the 2004 IMRC Smog Check Program Review. The comments below provide our response to three recommendations that impact the department:

- Recommendation #3 proposes the implementation of an annual Smog Check inspection for 15 year and older model-year vehicles.
- Recommendation #4 proposes the implementation of an annual Smog Check inspection for all high mileage vehicles that travel more than 25,000 miles per year.
- Recommendation #7 would exempt vehicles that are two years old or less from the change of ownership smog inspection.

All three recommendations require programming of the department's automated system to accept the changes. The department would require as much advance notice as possible of any proposal incorporating the recommendations in order to adequately manage our limited Information Technology resources and to coordinate with our counterparts at the Bureau of Automotive Repair (BAR). Recommendations #3 and #4 will cause increased in-person visits in our field offices and queries to our telephone service centers by persons who have not needed annual smog checks in the past. This could be mitigated by a media campaign to inform the public in advance.

It would be difficult for the department to identify high mileage vehicles since an odometer reading is only captured at the time of transfer. It would be up to the BAR to identify high mileage vehicles and transmit the requests for smog certification to the department.

The California Performance Review report recommends that the department renew vehicles biennially instead of annually, and the department is exploring the concept. If implemented, the department would issue registration and stickers that are valid for two years. This would make an annual smog check requirement for the specified vehicles more challenging to implement.

Mr. Victor Weisser

Page 2

January 14, 2005

An incorrect statement is made on page 16 that the Department of Motor Vehicles has no data available that indicates a vehicle is used as a taxicab. Vehicles that are used as taxicabs receive a body type of taxi. Owners of former taxicabs are issued a title that is branded "prior taxi."

I hope this information has been helpful. The department looks forward to working with the IMRC regarding the recommendations. If you have any questions, please give me a call at (916) 657-8135 or Jeanine Counselman, a member of my staff, at (916) 657-7884.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lynn Hidley".

LYNN HIDLEY, Acting Deputy Director
Registration Operations Division

Name: Ray Cardona, Sergeant

Category: Government Representative

Address: 2555 First Avenue

City: Sacramento

State: CA *Zip Code:* 95818

Phone Number: (916)657-7237

May we contact you regarding your comments? Yes

COMMENTS

ARB/BAR Report Recommendation #1

Clean Screen 5th and 6th Model Year Vehicles to Exempt them from the Biennial Smog Check Inspection

The CHP supports the IMRC recommendations. An additional identification methodology to consider would be traffic citations issued by law enforcement agencies for excessive smoke, modified exhaust or any other related violations.

ARB/BAR Report Recommendation #3

Authorize Annual Smog Check Inspections for Older Model Year Vehicles

The CHP supports the IMRC recommendations.

ARB/BAR Report Recommendation #4

Authorize Annual Smog Check Inspections for High Mileage Vehicles

The CHP supports the IMRC recommendations however, the definition of a high mileage vehicle would be of interest.

ARB/BAR Report Recommendation #6

Include a Smoke Test as Part of the Smog Check Inspection

The CHP supports the IMRC recommendations.

ARB/BAR Report Recommendation #7

Exempt Vehicles That are Two Years Old or Less from the Change of Ownership Inspection

The CHP supports the IMRC recommendations.

COMMENTS

Automotive Industry

Name: ADEL MOZEH / CAR TEKK *Category:*

Address: 14038 OXNARD ST *City:* VAN NUYS

State: CA *Zip Code:* 91401 *Phone Number:* 818-787-5901

May we contact you regarding your comments? Yes

COMMENTS

IN REGARDS TO THE EXEMPTION OF THE LATE MODEL CARS FROM BIENNIAL, AND CHANGE OF OWNERSHIP, I BELIVE IT IS A MAJOR CHANCE FOR THE OWNERS OF THESE VEHICLES TO CONTINUE DRIVING THEM FOR 4 TO SIX YEAR WITH THE FACT THAT THEY HAVE EMISSION FAILERS, AND SERVICE ENGINE SOON WARNING PROBLEMS. THE SOMG PROGRAM BEFORE JANUARY 1. 2005 WAS SIMLPY MAKING AND ENFORCING CAR DEALERS AND CONSUMERS TO FIX EMSSION FAILERS AND PROBLEMS THAT COULD BE IGNORED FOR YEARS IF THEY DID NOT HAVE TO GET A SMOG CHECK.

MOST CONSUMERS DO NOT THINK THAT A FAILED VEHICLE WITH A SERVICE ENGINE SOON LIGHT ON SHOULD BE FIXED OR SHOULD FAIL THE EMISSION TEST BECAUSE IT RUNS FINE ACCORDING TO THEIR DRIVING HABBITS.

A NEW VEHICLE CAN START EMISSION FAILERS AS SOON AS THEY ARE DRIVEN AWAY FROM THE NEW CAR DEALER, FUEL CAPS COULD BE LOST OR LEAKING, ENGINE MODIFICATION CAN BE TAKEN PLACE TO MAKE CARS DRIVE FASTER FOR STREET RACERS, SUCH AS HIGH FLOW NONE OBD CATYLTIC CONVERTS, INTAKE, EXHAUST, AND OTHER ILLEGAL AFTER MARKET HIGH PERFORMANCE PARTS. LAST BUT NOT LEAST THE ACCIDENT VEHICLES THAT ARE NOT FIXED PROBLEY, AND COULD HAVE LEFT THE BODY SHOPS WITH DAMAGED EMISSION PARTS, AND WIRING SALVAGE OR NONE SALVAGE.

ALL OF THE ABOVE PROBLEMS AND EMISSION FALIERIS ARE NO LONGER ENFORCED AND OUT OF THE SOMG PROGRAM FOR AS LONG AS 6 YEAR. OUR AIR IS NOT GETTING ANY CLAENER UNTIL EVERYONE GETS A SMOG CHECK.

ADEL MOZEH
SMOG TECH.



"clyde carlson"
<cclarlson1@socal.rr.com>

To: <imreview@dca.ca.gov>
cc:
Subject: revised vehicle exemptions

12/29/2004 06:52 PM

I cannot believe what I read today in the bar et blast regarding new exemptions. I am a senior master technician with ford motor co and licensed smog check technician and I have seen so many ford/Lincoln mercury vehicles that cannot pass a smog check (2002-2003 model years) due to the dpfe sensor failures that inhibit the egr system and cause extreme elevated emissions of NOX which there is a recall etc. we are the #1 ford certified used vehicle dealer (Cerritos ford) in the united states and there aware many of these vehicle we receive with check engine lights on that the owners have been driving for some time and polluting the air and when we receive them we repair them and take care of the problem. now that these vehicles do not need a "smog check" they can continue to pollute the air and apparently that is all right with you folks. I have been certifying/smog checks since day 1 and this is the most absurd law change I have ever seen and the bar people in el Monte I spoke with agree. they state that the mfg./dealers have lobbied against this in their interest of putting more dollars in their pockets at the expense of the publics health. this law needs to be repealed and the air quality improved. this is a step backward and irresponsible on the part of our state lawmakers.

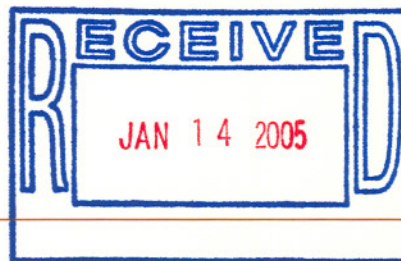
respectfully,

clyde carlson

8519 rockfish circle

fountain valley, ca. 92708

714-273-5340



JOHN WILSON
President

DAVID WILLIAMS
Treasurer

January 14, 2005

Mr. Victor Weisser, Chair
California Inspection and Maintenance Review Committee
1001 I Street, Rm. 106
Sacramento, Ca. 95814

Dear Mr. Weisser:

The California Emissions Testing Industries Association (CETIA) submits the following comments to the IMRC "Review of the Smog Check Program 2004".

ARB/BAR Report Recommendation #1
Clean Screen 5th and 6th Model Year Vehicles to Exempt them from the Biennial Smog Check Inspection.

IMRC Recommendations

The IMRC recommends the BAR and ARB develop a methodology to identify and "call in" any 6-year and newer vehicle for a Smog Check inspection if they are identified as probable high emitters using current and planned methodologies.

CETIA supports this recommendation in part. However, we believe the recommendation does not sufficiently address the current 4 plus ton per day of emission loss that occurs due to the exemption of 5th and 6th model year vehicles. We believe the IMRC should recommend to the Legislature that existing statutory language included in SB 1107 be amended to cause 5th and 6th model year vehicles to be required to receive biennial inspections. This would produce 4 tons per day of emissions reductions until such time as either remote sensing or other BAR/ARB collected data can analytically determine those vehicles that are most likely to pass smog inspection.

ARB/BAR Report Recommendation #2
Eliminate the 30-Year Rolling Exemption and Replace it with an Exemption for Pre-1976 Model Year Vehicles

IMRC Recommendations: None Needed

CETIA supported this Legislative change. However, we do not believe the IMRC should base their recommendation on the perceived political will of the Legislature. The IMRC is well aware the hundreds of tons of emissions generated by 1976 model year and older vehicles significantly erodes the potential contribution to air quality that could be obtained were these vehicles subject to smog inspection. Therefore, CETIA believes the IMRC should recommend the Legislature eliminate the 1976 and older model year exemption. The IMRC should directly focus this recommendation on the health of California's air breathing public and give the Legislature the opportunity to respond accordingly.

ARB/BAR Report Recommendation #3**Authorize Annual Smog Check Inspections for Older Model Year Vehicles****IMRC Recommendations**

The IMRC recommendation the Legislature adopt a statutory change that provides the following:

1. Authorize the BAR to implement an annual Smog Check inspection for older model year vehicles provide defined motorists have access to the Consumer Assistance Program.
2. Allow the BAR to identify appropriate model year vehicles.
3. Require additional Certificate of Compliance fees be deposited into the High Polluter Repair and Removal Account.
4. Require the BAR to develop a methodology to excuse those vehicles most likely to pass a smog inspection.
5. Require vehicles subject to annual inspection qualify for Consumer Assistance.
6. Require ARB/BAR and/or IMRC to evaluate the effectiveness and impact on the Consumer Assistance Program.

CETIA supports this recommendation in part. While we believe annual inspections of older model year vehicles will produce substantial emission reductions, we believe the IMRC should augment their recommendation to require these vehicles be directed to test-only stations. The test-only component of Smog Check II has proven itself to be the single most important factor in identifying vehicles that exceed emission "cut points". Test-only stations have consistently failed more vehicles from the "volunteer" category that indisputably concludes their effectiveness exceeds all categories of test and repair stations in a "like vehicle" testing comparison. Further, it is precisely these older vehicles that comprise the "High Emitter Profile" category of vehicles that is currently directed to have their inspections conducted at test-only inspection stations.

ARB/BAR Report Recommendation #4**Authorize Annual Smog Check Inspections for High Mileage Vehicles****IMRC Recommendations**

The IMRC recommends the Legislature adopt statutory change to provide the following:

1. Authorize the BAR to implement annual Smog Check Inspections for any vehicle Identified as high mileage.
2. Identifies high mileage vehicles using a methodology and definition jointly developed by ARB and BAR.
3. Includes private and government fleets and individually owned vehicles.
4. Allows the use of new technologies in lieu of annual inspections.
5. Authorizes Consumer Assistance Program paid repairs.

CETIA supports this recommendation in part. Additionally, we believe, as with our comments on "Recommendation #3", these vehicles should be directed to test-only stations for the reasons previously noted. Therefore, this recommendation should be amended accordingly.

ARB/BAR Report Recommendation #5

Authorize Funding to Restore Enforcement Position and a Specialized Prosecution Unit with the Attorney General's Office

IMRC Recommendations: None

CETIA concurs with the IMRC that this recommendation is premature given recent action by the Legislature that requires the BAR to appoint an "Enforcement Monitor" By January 1, 2005. It is our understanding the BAR has just recently selected a company in response to this requirement. However, we do believe the IMRC has substantial interest in enforcement activities of the BAR given the two meetings dedicated to hearing from the BAR and affected interests late in 2003. This IMRC effort was never concluded due to the legislative requirement to produce this report. Therefore, we would recommend the IMRC indicate their intent to conclude hearings on enforcement issues which would enable the Committee to more fully develop this recommendation. Additionally, it would have the benefit of allowing the Enforcement Monitor to hear from stakeholder interests during IMRC meetings.

ARB/BAR Report Recommendation #6

Incorporate a Smoke Test into the Smog Check Inspection

IMRC Recommendations

The IMRC recommends the Legislature make statutory changes to the Health and Safety and the Vehicle Code that provides for the following:

1. Require the Referee to perform a smog inspection on any vehicle receiving a citation for smoke.
2. Require vehicle owner to provide proof of repair to Referee
3. Authorize the BAR to implement a visual smoke inspection procedure as a component of a smog inspection.
4. The smoke inspection procedure should not require additional equipment purchases.

CETIA supports this recommendation. However, we believe this recommendation should be amended so that it is clear it applies to all motor vehicles regardless of model year.

ARB/BAR Recommendation #7

Exempt Vehicles that are Two Years Old or Less from the Change of Ownership Inspection

IMRC Recommendation

The IMRC suggests the Legislature adopt statutory changes to both the Health and Safety Code and the California Vehicle Code to exempt vehicles 3 years and newer from the change of ownership requirement.

CETIA concurs with this recommendation for the reasons discussed in the "Report".

Quantifying The Emission Reductions

The IMRC reviewed the ARB/BAR methodology for estimating emission reductions from Smog Check and heard a number of question raised by the public and IMRC Members regarding the efficacy of the methodology used.

IMRC Recommendation

1. The IMRC strongly endorses the continuation of random roadside inspections by the BAR.
2. The IMRC recommends the BAR eliminate the "Fast Pass" provision of the smog inspection for a lease a portion of the test in order to provide more information about smog inspection benefits

CETIA strongly supports this recommendation.

BAR Budget and Funding

IMRC Recommendations

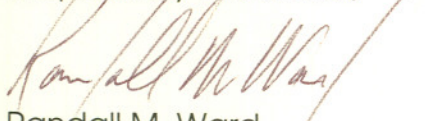
The IMRC recommends the Legislature adopt statutory language to provide for the following:

1. Initiates a 5-year repayment schedule for repayment of the \$114 million loan from the Vehicle Inspection and Repair Fund to the General Fund.
2. Calculate the interest earned on the loan at the same rate as the Pooled Money Investment Account.
3. Deposit the funds directly into the High Polluter Repair or Removal Account for use by the Consumer Assistance Program

CETIA supports this recommendation.

If you or any member of the Committee have any questions please let us know.

Respectfully submitted,



Randall M. Ward
Executive Director

Name: Duane Carlson

Category: Automotive Shop Owner

Address: 12932 Hesperia rd.

City: Victorville

State: Ca *Zip Code:* 92395

Phone Number: 760-951-7222

May we contact you regarding your comments? Yes

COMMENTS

Upon removing vehicles for the first 6 years of the biennial smog check, we have seen many failures in the first 4 years, why would we do this and possibly take the chance of a damaged \$1000.00 Plus Cat. that could have been caught in the first 4 year law.

Removing the first 4 years of a change of ownership is removing the guarantee to a buyer that everything is there and in working order and has not been modified, which he would have no recourse to the seller without a smog check at point of sale.

Instead of 1976 and newer being smog checked we should be considering anything with a cat which I believe is 1974 Cadillac's or all vehicles since the older vehicles were the highest emitters which started Smog and dirty air in the first place.

When are we going to have the technician responsible for an incorrect smog check and stop penalizing the shop owner?

To Members, IMRC

#1 The increase in vehicles directed to Test-Only stations.

This has caused an 80-90% drop in revenue from the initial smog test & repair industry.

#2 The requirement that all Test-Only directed vehicles must go back to Test-Only Stations for after repairs testing. *I believe that there exists no motivation for a Test-Only operator to pass vehicles. In addition, I further believe that an ethically challenged operator may see this as an opportunity.*

#3 The loss of revenue from the 4-year free pass for transfer of ownership as well as a loss of 2 more years, for a total of 6 years, free pass for annual registration.

#4 The ever increasing requirements of new and expensive testing equipment in order to remain in the Smog Check Testing Program.

#5 The proposed screening of vehicles through Remote Sensing. *This will remove up to 25% of the vehicles from the biennial smog check program, all of which will only affect the Test & Repair Industry. This is also a direct tax on the industry going to the state coffers.*

#6 The proposed 15 year/150,000 mile emissions warranty.

What the 15/150,000 will do to our industry is all but eliminate us from the Smog Check Program and the emissions industry. I estimate that the after market industry accounts for about 98% of the reduction of emissions in this state. In my own shop, emissions repairs count for a considerable amount of revenue, and this loss would possibly put me, as well as thousands of other shops, out of the automotive repair business, not to mention what it could do to the after-market parts manufacturers.

What this will mean to the consumer is that they no longer have a choice of where they want to have their vehicles repaired because the after-market repair shops were driven out of business by regulation. Will consumers be left with only high-priced dealers as their choice? I have loyal customers who want me to do their repairs, is that not their right?

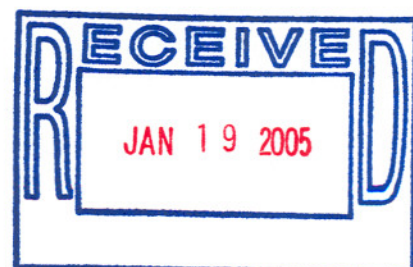
I was invited to participate in the smog check program, at a considerable expense I might add, only to have most of the business taken from my grasp and directed to Test-Only Stations. Initially, only 15% of the vehicles in this state were directed to Test-Only, then 36%, when factually, it is now somewhere between 50-80%. Also, we as Test & Repair Stations must bear an unusually high percentage of sales and marketing expense just to try and get what "scraps" are left to us by the BAR.

I truly believe that if the public were properly informed, they would be outraged. I believe in the reduction of pollution in our beautiful state and in the Smog Check Program, but certainly not as it currently exists. I want the preservation of clean air, but let's clean the air fairly. I respectfully request that you give this matter the attention that it truly deserves.

In conclusion, what we are requesting is a level playing field. Let the consumer choose where their smog check is performed. End the practice of the DMV sending vehicles to a "Test-Only" station. Please remember that the "test and repair" industry is 100% responsible for reducing emissions.

Respectfully,

Gary Parker
A.T.A. Auto Repair & Mobile
1540 Petaluma Hill rd #B
Santa Rosa, Ca
95404
(707)-575-7316



Name: Kent R. Snyder

Category: Smog Check Technician

Address: 210 Fifth Street

City: Santa Rosa

State: CA **Zip Code:** 95401

Phone Number: 707.542.8854

May we contact you regarding your comments? Yes

COMMENTS

I believe that DMV/BAR referrals of vehicles to Test Only smog inspection stations should cease until such time as the issues regarding regulation and the percentage of these directed vehicles be adjusted to levels that will properly support Test and Repair Smog Test Stations. Once again the BAR/DCA have broken faith with the industry that repairs and inspects the states vehicle fleet. Test Only Stations share of the market at inception of the Enhanced program was 15%, this rate has increased to 36%. The further reduction of vehicles inspected of 4 years and newer on change of ownership and the reduction of all tests on 6 years and newer vehicles is a betrayal of the social contract the BAR/DCA made with the Smog Check and Repair and Gold Shield Stations in California's Enhanced and Basic Test Areas. The business and food have literally been taken from our mouths. Unfair business practice, you have done that before, look when enhanced testing first came in did you consider car dealers, No! A Test Only station needs no repair equipment and no explanation to the consumer's as to how their vehicle failed, that is left to those who have to bear the brunt of the public's displeasure. Many of these Test Only Dealer's have businesses have connections with repair dealers nearby, is this not a violation of trust as well. Since the BAR can not enforce their regulations and keep these people in check who is the public to trust? The public then has to return to them to be retested to pass the smog test! Insult on top of injury! This is unfair and unjust not only to us as a trade group but to the consumer's whose rights you have said you respect.

A couple of suggestions, since I can't afford a to buy anyone:

Allow Test and Repair Stations retest vehicles after the repairs have been completed rather than send them to Test Only?

Give Gold Shield Stations a reasonable return on the diagnosis and repairs they do?

Check Test Only stations ownership and business practices! Make them explain the tests they do and the possible repairs needed so the consumer has an understanding of their options.

Return referrals to Test Only to a reasonable level of 15% as you set up with the origin of the Bar 97 program.

Now to comment on your report:

I generally agree that items #1 and #2 are reasonable.

#3 Thanks for the bone. you know how hard it is to repair some of these vehicles? This will not be well received by consumers so I am not waiting with bated breath for this to happen.

#4 Another reasonable idea especially if you do what you say about making it easy on those with well maintained vehicles.

#5 makes sense you lost 38 staff members you should get them back at least. Give these guys a better place to work than their cars. They could get arrested in Sonoma County for being in their cars three hours in one spot. Make this not an enforcement but a co-operative effort with the industry. Treat us like the professionals we are.

#6 A smoke test? Great and \$2-3 dollars more, great I am glad you do not have to deal with the fallout on this one.

#7 Even you think this 4 year exemption is a bad idea.

#8 Get our money back and at least get some of the litter off the road and a few cars fixed. Make the Test Only guys with money fix their own cars.

A few final thoughts:

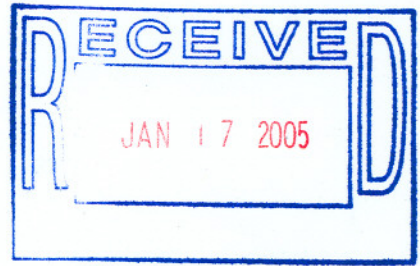
When Rodger Dangerfield said 'I don't get no respect.' he got laughs. We don't get respect and are considered one step above used car salespeople on the social scale. What if we stopped fixing cars for a while, how would you like that? Maybe that's an idea! Treat us like professionals who have made a significant investment in tools, equipment, training and put our bodies and minds at your service every day. Is that a lot to ask, a little respect?

OCCHIPINTI'S ONE STOP SERVICE, INC

210 Fifth Street, Santa Rosa, CA 95401 (707) 542-3823

12 December 2005

Inspection and Maintenance Review Committee
1001 "I" Street, Room 106
Sacramento, CA 95814



Dear Sir or Madam,

After reviewing your draft report I made some comments which you may have in hand. I wish to extend my comments that do not directly impinge on the draft. When our business made the transition from a basic area to an enhanced area we made an analysis of the projected revenue from our smog inspection business. Our direct benefit to being in the enhanced smog program was marginal to slightly negative after factoring in the investment in new equipment and training. We decided to go ahead because we felt that smog inspections would lead to a benefit from smog repairs and related services. We understood the program would last approximately five years. Test only stations would be getting about 15% of inspections. Now we find ourselves in a very different position:

1. A change in the percentage of consumers directed to test only stations increased from 15% to 36% leading to a drop in revenue of 30 to 40% from this one area alone.
2. The requirement that Test only directed vehicles must go back to a Test-Only Station or designated Gold Shield Stations after repairs creates a hardship for the consumer and an artificial monopoly for the Test-Only stations. There is also a lowered sense of worth implied by this requirement. "If you repair the car why can't you test the car?" is the refrain.
3. The change in regulations for smog testing when a change of ownership occurs for vehicles during the first four years of ownership has had about a 15% reduction in revenues for us. The consumers do not get the protection of having problems with smog equipment or performance identified during these first four years.

210 Fifth Street, Santa Rosa, CA 95401 (707) 542-3823

OCCHIPINTI'S ONE STOP SERVICE, INC

210 Fifth Street, Santa Rosa, CA 95401 (707) 542-3823

Most new car warranties do not extend over three years and 36K miles which would lead to greater costs to consumers. There is also the possibility that reconstructed vehicles would not need to have a smog test during this period which further lacks consumer protection.

4. As "stakeholders" we are left holding the bag. The investment for Test and Repair station in new testing equipment and in training for technicians has increased but the revenues have not and thus profits decline.
5. Proposed screening of vehicles with Remote Screening technology and remote tracking technologies, like Networkcar, may remove another 25% of customers for smog testing.
6. Proposals for 15 year/150,000 Mile emission warranties will eliminate many of us from the Smog Check Program and the emission control business entirely. The aftermarket emissions business certainly makes a large segment of the repair industry concerned with the reduction of air pollution, at least 70-85%. A greater part of our revenue is derived from emission control inspection and repair. Would you like to explain why consumers would have fewer choices and less people to serve them as well as the loss of jobs in the automotive repair and aftermarket parts business?
7. The public, the consumer, is not being made aware of changes that affect them. If they understood how they are not being considered the public would be outraged. The Smog Inspection Program real goal is to make numbers to get highway money from the Federal government and has a salutary effect of making the air cleaner as a bi-product. Consumers are last to be considered or heard. Public comment is not made convenient or easy. All the meetings I have seen scheduled have been 8:00 to 5:00 weekdays in places far from where the public has access.
8. We work hard. We invest our lives and our money in an important occupation to make everyone's life safer and better by the proper repair and maintenance of California's cars and trucks. Most people do their best to do their job well. We deserve your respect not your dismissal as the great unwashed.

210 Fifth Street, Santa Rosa, CA 95401 (707) 542-3823

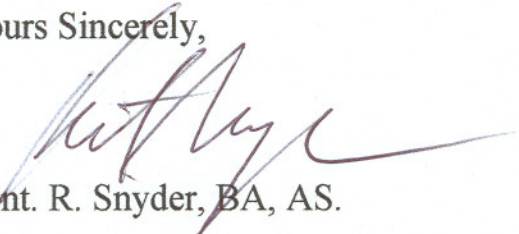
OCCHIPINTI'S ONE STOP SERVICE, INC

210 Fifth Street, Santa Rosa, CA 95401 (707) 542-3823

What is the mission for us? Do you want the people of California to be able to have their cars repaired in a reasonable time for a reasonable amount of money? Do you want clean air? Be real in what you suggest to the powers that be. The law makers look to you to give them direction. Many of the suggestions in your report make sense. Getting laws and regulation that make sense, with the guidance of agencies with a concern for the people of California would be a good thing. Let's make it work for all Californian's.

Thank you for allowing us the opportunity to vent our frustrations.
Thank you also for your time and consideration.

Yours Sincerely,

A handwritten signature in dark ink, appearing to read "Kent Snyder", with a long horizontal flourish extending to the right.

Kent. R. Snyder, BA, AS.

ASE Certified Master Automotive
and Certified Truck Technician





"kenny walker"
<kwfabworx@hotmail.
com>

To: <imreview@dca.ca.gov>
cc:
Subject: new change of ownership smog regulations.

01/11/2005 01:24 PM

As a hardworking, law-abiding, tax-paying citizen, I am dismayed and confused by the new smog regulations in regards to change of ownership inspections. These near-sighted modifications to existing law will breed nothing but lawsuits and finger -pointing in the years to come.

What happens when someone installs a non- CARB approved intake, removes the catalytic converter, using oxygen sensor simulators to fool the PCM and otherwise tampers with the emission control systems of a 2002 or newer vehicle. Under the new laws, that person could sell the vehicle to another unsuspecting person and be long gone by the time the new owner has to pay \$2500.00 to bring the vehicle back to a non-tampered state. Even if the new owner can still locate the seller, how can he or she prove that the seller was the one who modified the vehicle?

In the future, maybe the IM Review Board can ask for input from the people who actually have to inspect and repair vehicles.

I look forward to hearing from you.

Sincerely,

William Foster
Enhanced Area Smog Technician
BAR License # EA147931
12749 Alexia Way
Victorville, CA 92392

Name: Leonard R. Trimlett

Category: Consumer

Address: 1809 Carter Street

City: Oakland

State: CA **Zip Code:** 94602

Phone Number: 510-531-7389

May we contact you regarding your comments? Yes

COMMENTS

The following are recommendation by recommendation comments:

Recommendation #1 – Clean Screen 5th & 6th Model Year Vehicles

SB1107 – 2004 extends the Biennial Smog Exemption on new vehicles to the first six years of vehicle life. The IMRC is suggesting using Remote Sensing and Roadside Testing to identify 5th and 6th year vehicles that should be brought back in the program for smog check. While I do not agree with the claims for Remote Sensing, if Remote Sensing is going to be used to pull 5 & 6 year vehicles back into the program it should pull back years 1 to 6. I say that for multiple reasons:

1. ☐ The decision to exempt 5 and 6 year vehicles as defined in SB1107 was political.
2. ☐ The letter of June 24, 2004 to Governor Schwarzenegger from the IMRC articulates well why SB1107 should not have occurred.
3. ☐ CARB has on multiple cases made the case for keeping 5th and 6th year cars in the program.
4. ☐ A review of the website <http://www.obdii.com> would indicate many problems related to OBDII operation on 1996 and newer vehicles. OBDII is an integral part of the emission control system on these cars. 1 to 6 year vehicles (1999-2005) fit directly in that discussion.
5. ☐ CARB has stated that removing 5th and 6th vehicles from biennial smogcheck would allow approximately 4 tons per day of pollution to enter the atmosphere.
6. ☐ While the typical powertrain warranty is 36 months, some Manufacturers will warranty specific emission parts up to 8 years or 80000 miles.
7. ☐ Extending the Biennial Smog Check Exemption through the first six years of vehicle life denies the consumer the opportunity to take advantage of the warranty if something should fail.

Recommendation #2 – Eliminate The 30 Year Rolling Exemption – AB2683

SB42 – Quentin Kopp – 1997 came about as the result of a lot of car community input. These cars are a very small number relative to the large number of 1-6 year vehicles that are being exempt from the program. The

hobbyists that own the vehicles in question generally maintain them well. This is not necessarily true with 1-6 year vehicles. It is also a very unpopular decision in the Classic Hobby Car Community. The car community strongly opposed this bill.

Recommendation #3 – Annual Smog Inspection For Vehicles Over 15 Years Old

Once the state decides to go to a double standard (biennial smog test for vehicles up to 14 years old/annual smog test for vehicles over 15 years old) it opens itself up to a class action lawsuit by consumers challenging the discriminatory double standard of smog test (biennial smog test for vehicles up to 14 years old/annual smog test for vehicles over 15 years old).

Recommendation #4 – Annual Inspections For Vehicles That Travel Over 25000 Miles.

Once the state decides to go to a double standard (biennial smog test for vehicles traveling up to 25000 miles per year/annual smog test for vehicles traveling over 25000 miles/year) it opens itself up to a class action lawsuit by consumers challenging the discriminatory double standard of smog test (biennial smog test for vehicles traveling up to 25000 miles per year/annual smog test for vehicles traveling over 25000 miles per year).

Recommendation #5 – Restoration of Fund For Enforcement and Attorney General's Office Prosecution Unit

NO COMMENT

Recommendation #6 – Incorporate A Smoke Test In The Smog Inspection

I am in total agreement with the incorporation of a smoke test in smog check. If it matches the Nevada Smoke Test all the better.

Recommendation #7 – Exempt Vehicles Two Years Old and Newer From The Biennial Smog Check

SB1107 exempted vehicles up to 4 years of age on transfer of ownership.

GENERAL COMMENTS APPLYING TO MULTIPLE SECTIONS:

The most profound statement that can be made about cars is that they frequently have a mind of their own and fail at the most inopportune time and sometimes unpredictable manner. I believe the newer/modern technology cars are very much more prone to OBDII failure than CARB and BAR are willing to admit.

As a consumer who wants to keep the benefit of a Federal Emissions Warranty, I would be likely to get the biennial smog inspection at appropriate new car intervals(based on manufacturers warranty) regardless of the biennial smog exemption in order to insure that emission system malfunctions are caught while still under warranty.

1. ☐ I therefore recommend against recommendations number 1 and 7.
2. ☐ I am opposed to recommendation #2 as a part of the Hobby Car Community.
3. ☐ I am opposed to recommendation #3 and #4 on the grounds that they establish a double standard of smog check that opens the State up to a discrimination class action lawsuit.
4. ☐ Not enough information is available to comment on recommendation #5.
5. ☐ I totally agree with recommendation # 6 pertaining to a vehicle smoke test.

Thank You – Leonard R. Trimlett

1/11/05

TO WHOM IT MAY CONCERN,

I AM WRITING TO EXPRESS MY CONCERNS ABOUT THE '05 CHANGES IN SMOG CHECK EXEMPTIONS. AS A SMOG TECHNICIAN, I HAVE ENCOUNTERED NEWER VEHICLES WITH VERY HIGH MILEAGE / POORLY MAINTAINED. I BELIEVE THAT EXEMPTION OF THESE NEWER VEHICLES WHICH ARE HIGHER EMITTERS WILL RESULT IN POORER AIR QUALITY AND HIGHER POLLUTION LEVELS. REQUIREMENTS OF BIENNIAL SMOG INSPECTIONS OF THESE CARS WILL KEEP OWNERS MORE DILIGENT ABOUT MAINTAINING THEIR VEHICLES PROPERLY. THE HEALTHIEST AIR QUALITY THAT WE CAN ACHIEVE SHOULD BE EVERYONES PRIMARY FOCUS/CONCERN.

SINCERELY,

Matthew DeHem (SMOG TECH.)

@

LEDDIE'S SMOG. SERVICE



Name: Mark Ferraro

Category: Smog Check Technician

Address: 11682 Mac Duff St.

City: Garden Grove

State: ca *Zip Code:* 92841

Phone Number: 714 878-8153

May we contact you regarding your comments? Yes

COMMENTS

SO, LET ME GET THIS RIGHT, I CAN NOW PUT A BLOWN MOTOR FROM 1964 IN MY BRAND NEW FORD F250 AND DRIVE THE PISS OUT OF IT FOR 6 YEARS. UM MAKES GOOD SENSE TO ME. SO ARNY THE DISQUALIFIED STERIOD ABUSER SOLD OUT TO NADART AND SMALL BUSINESS. NOT BAD FOR AN NON CITIZEN SPECIAL INTREST LOOSER FAGGOT. WHAT DO YOU DO WITH THE UNEMPLOYED FROM THIS WONDERFUL SELL OUT.

Name: Michael Wells

Category: Smog Check Technician

Address: 6218Greenmeadow rd.

City: lakewood

State: CA **Zip Code:** 90713

Phone Number: (562)496-2826

May we contact you regarding your comments? Yes

COMMENTS

how will we catch tuners (chipped ecm's) unaproved aftermarket equipment or undiagnosed check engine light's if we dont at least check vehicles at change of ownership?

John Conway
Menlo Park Chevron
1200 El Camino Real
Menlo Park Ca 94025.

January 6, 2005

PAUL ARNEY,

I am a Chevron Dealer here in Menlo Park. I made a commitment to rebuild my station in 2003 predicated on sales dollars from the smog check program. The cost to re-build my station was one million dollars. I re-opened my business in March of 2004. Business took off in fine style, but has declined steadily over the last five months. Much to my dismay the test-only station program has re-directed my customers over the past 30 years to take their car elsewhere to be smog-checked. This has caused me serious financial hardship because 50% of my business has been directed elsewhere. This program is not fair to me or my customers, let the customer decide where they want to have their car smog-checked. This is a capitalistic society not a dictatorship. The issue of price should be addressed, let the spirit of free enterprise system dictate the price of smog-check. This smog check program should be modified the way it was prior to October 1, 2003. I would not have re-build my station due to the loss of business let alone my loyal customers.

We have a loyal team of employees who are employed here at Menlo Chevron, they have been hurt by this program. They have spent hours of class time to obtain the necessary licenses to do smog check. I have a bonus and incentive program here that predicated on labor hours, they can not reach their monthly bonus numbers based on the decline of smog check. This program also applies to my service manager and service writer. This is a very upsetting situation for me and my employees, they have not received any bonus money with this decline. The investment in equipment to remain in the smog check program was significant. I would not have made this investment with these results, this is just not a good business decision. I feel betrayed by the California Legislature for making a decision establishing test-only sites. Now look what I am left with, lease payments.

I know I am not the only business suffering from this financial ruin from the results of this program. My local competition is hurting also. The expenses to run a small business in the State of California

is a challenge at best. Rising expenses year by year makes it difficult. Workmans compensation, rising rents, payroll, utilities and all the other expenses it takes to run a business today. It is a real challenge, you must be very creative to run a small business today everyday is a new experience.

In summary to keep this simple, let the customer decide where they want to get their car Smog Checked, competition will dictate the price, let the free enterprise system work they way it was intended. I will be following this issue over the next months ahead, I know this will go back to the legislature sometime in 2005, hopefully the right decision will be made for the small independent business man of California. Feel free to contact me for future discussion. Please take this issue under serious consideration. Enclosed is data to back-up my plea to you.

Regards,

A handwritten signature in dark ink, appearing to read 'John Conway', with a stylized, flowing script.

John Conway
650-868-1837.

Please review the appointment schedule, the top right corner shows the TEST ONLY cars for that particular day.

Also the smog check chart shows the decline in smog check. Thank You for you time to review this issue. Lets correct this issue so all may benefit.

1/5/05

To I.M.R.C.,

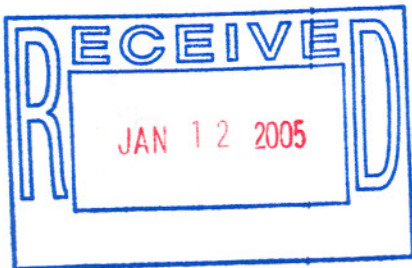
The new changes to current smog check programs are simply nonsense & a disservice to the whole program, & not fair to the owners' 1996-1999. With the O.B.D.II systems, & to any other vehicles on the road, & subject to the program's requirements.

- Fact; that every day thousands of cars being in accidents, resold into auto auctions, as salvage, reconditioned in Tijuana, Mexico, missing or having crashed parts, such as the fuel EVAP canisters, non functioning O.B.O. II systems. This change will adversely affect the current programs; it will create a heavenly opportunity for the dealers & a disservice to the customer.

As an example a customer buys any of these mentioned year models, she or he will try to sell after 6 years of use, & then have a problem on their hand. They must go & fix the problem related to the vehicle facing emissions, visual, & functional test – & then some wily for economic hardship.

Some will qualify for the C.A.P., & other will be bought by a Mexican citizen who live in Tijuana, Mexico & daily commuting back into the U.S. (in thousands) – the problem just growing more & more. Mean while a vehicle which isn't required an inspection, it will go on polluting the air.

This change is simply a loop hole for manufactures not to be worried about the current warranties as far as the 70,000 miles &/or 7 years. They simply don't have to worry about any warrant obligation – ask any smog tech, a year model has nothing to do with its age!!!!!!



Smog Center
1137 Broadway, # E
Chula Vista, CA 91911, USA
(619) 426-1480
Fax (619) 426-3636

NAZAR DAWOUDI
, OWNER

Name: RICARDO ELIAS

Category: Automotive Shop Owner

Address: 10876 ROSE AVE.

City: ONTARIO

State: CA *Zip Code:* 91762

Phone Number: 909 627-6969

May we contact you regarding your comments? Yes

COMMENTS

HELLO, THIS IS REGARDING THE NEW CHANGES FOR 2005, FIRST, THE BIENNIAL INSPECTION SHOULD BE KEPT FOR 4 YEARS ONLY, THE REASON FOR IS THAT I HAVE SEEN A LOT OF 2000 AND 2001 FAILING FOR EMISSION AND IF NOBODY DOES A SMOG CHECK FOR 6 YEARS, WHEN THAT CAR FAILS 6 YEARS DOWN THE ROAD MOST LIKELY IS GONNA BE OUT OF FACTORY WARRANTY, MEAN WHILE IS POLLUTING THE AIR.

SECOND; CARS EXEMPT FOR CHANGE OF OWNERSHIP FOR 4 YEARS OR LESS, THE PROBLEM WITH THAT IS THAT A LOT OF CARS HAVE OVER 100K MILES AND THEY ARE ONLY 2 OR 3 YEARS OLD, AND ALSO HOW CAN YOU MAINTAIN CONTROL ON THE ODOMETER READING WHEN IT CHANGES OWNERSHIP, WHEN A CAR IS SOLD THRU A USED CAR DEALERSHIP, A LOT OF THINGS COULD BE DONE TO UPSET(LOWER) THE ODOMETER, ALSO SINCE MOST OF THE PAPERWORK IS DONE THRU THEM THEY CAN WRITE ANYTHING THEY WANT TO , AND A DMV EMPLOYEE WILL NOT GO OUTSIDE TO CHECK ODOMETER,AND LAST BUT NOT LEASE, LATELY A LOT OF CARS ARE BEING MODIFIED FOR `STREET RACING` AND AFTER 2 OR 3 YEARS ARE SOLD WITH MOST OF THE EMISSION EQUIPMENT MISSING AND THAT ALSO GOES FOR CAR THAT ARE NOT SOLD BUT SINCE NO SMOG WILL BE DONE FOR 6 YEARS THEY WILL JUST KEEP ON POLLUTING.

AND OVER ALL HOW MUCH MONEY WILL THE STATE OF CALIFORNIA LOOSE WHEN ALL OF THOSE SMOG CHECK WILL NOT BE PERFORM, NOT TO MENTION ALL THE BUSSINESS THAT ALL SMALL SHOP WILL LOOSE, IT WILL JUST MAKE RESECION WORSE THAN EVER.

THE 1975 AND OLDER IS OK, THANK YOU, AND PLEASE DO WHAT'S BEST FOR OUR STATE.....

RICARDO ELIAS.

Name: ron leonhardt

Category: Smog Check Technician

Address: 28726 park woodland place *City:* saugus

State: ca *Zip Code:* 91390

Phone Number: 6612963028

May we contact you regarding your comments? Yes

COMMENTS

BY CHANGING THE LAW ON TRANSFER OF OWNERSHIP YOU WILL HAVE MORE PROBLEMS WITH ILLEGAL PARTS ON NEW CARS BEING SOLD.BY BEING SMOGGED NEW AND USED CAR DEALERS HAD TO REPLACE ILLEGAL PARTS TOPASS LEGALLY.BY NOT HAVING TO SMOG THESE CARS THEY WILL NOT SPEND THE MONEY AND SELL CARS AS IS.THE AVERAGE CONSUMER WONT KNOW TILL THE FIRST SMOG 1 TO 5 YEARS LATER ABOUT POSS ILLEGAL PARTS.THEN YOU WILL GET MORE COMPLAINTS AND ANGREY CONSUMERS.AT LEAST WHEN THE CAR HAD A SMOG TEST THE CONSUMER HAD A BETTER CHANCE OF LESS PROBLEMS WITH ILLEGAL PARTS OR CHECK ENG LIGHT PROBLEMS.I HAVE SEEN MANY 05 CARS WITH 1 TO 4 ILLEGAL PARTS.EVEN 02 ,03,AND 04.ALL I SEE WITH THIS IS MORE PROBLEMS AND ANGRY CONSUMERS.SMOG TESTING IS YOUR FRONT LINE OF DEFENSE.

Category: Automotive Instructor

City: San Marcos

Phone Number: (760)310-1361

May we contact you regarding your comments? Yes

COMMENTS

Thank you for soliciting input on this report and recommendations. I have been professionally involved with the smog program(s) in California for over twenty years as a manufacturer's representative, shop owner, test-only operator, teacher and licensed technician.

I am deeply concerned about the decision to except 4 yr and newer vehicles from inspections upon change of ownership. Having operated two test only facilities, one of which was in a high income area where newer cars were the norm, I can attest to both the presence of modified/tampered emissions components and resulting impact to the consumer at a later inspection, where all warranties have expired, and there is no repair assistance available for modified vehicles. This provision probably has the car dealers jumping up and down with glee! I know of SEVERAL name- branded new car dealers who currently sell `performance` modifications, and if there is no inspection to worry about, this WILL be a green light for all sorts of mods which the consumer will have to deal with much farther down the road. I am convinced that both the initial six year exemption and the four year change of ownership exemptions are clearly the beginning of the end of this smog program, regardless of statements to the contrary.

The discussion of OBDII testing as a valid means of screening out fleet and other high mileage vehicles is laughable to anyone with even a reasonable understanding of the system's operations and limitations; it simply does not provide an accurate picture of vehicle emissions.

Finally, with respect to the issue of enforcement, the BAR is looking for more headcount as usual but the department continues to apply and mis-apply various rules and regulations unevenly, capriciously, and without really meaningful improvement. I refer specifically to lack of enforcement or lack of regulations (or both) with regard to ownership of both test-only and test and repair facilities by the same individual(s), misleading advertising and claims, and generally poor industry practices with regard to diagnosis and repair. I do believe that additional enforcement efforts are needed, but first there needs to be some meaningful regulations implemented.

Thank you for the opportunity to provide input to this important process.

Best regards
Richard A. Prinz

In Review of the January 1, 2005 Revised Vehicle Exemption

There are many serious concerns that will negatively effect the consumer's health, safety and finances, and most importantly, the air quality for all of us, in the newly effected January 1, 2005 Revised Vehicle Exemptions. There is also concern about possible areas in which the statistics used to make this decision to exclude newer vehicles from the smog program may have been corrupt.

Before the January 1, 2005 Revised Vehicle Exemption, the real "Air Army" to improve the air consisted of 8,500 inspection stations statewide and roughly 13,500 state certified smog technicians on the front lines testing over 1 million vehicles per month. Confirming the effectiveness of the California state smog inspection program is the statement included on the every passing Vehicle Inspection Report (VIR) which reads, *"Your vehicle passed the enhanced Smog Check inspection, which helps California reach its daily goal of removing an extra 100 tons of smog-forming emissions from the air."*

The State of California demands zero tolerance in deviations of inspection procedure and station protocol by smog shop owners and technicians. Any violators of these laws face potentially heavy fines, citations and/or revocation of licenses.

Yet the 2005 Revised Vehicle Exemptions compromises both our air quality and a program that has become the most effective in the nation over its 20 years of existence for whose benefit? Not for the consumer's best interest, and certainly not for the air quality of the State of California!

Excessive and inappropriate repairs passed onto consumers

We in the industry are told that less than 20% of the vehicles on the road are more than 10 years old. We have also been given the information that there

were roughly 1 million smog inspections performed every month under the program that was in effect through 12/2004.

With the implementation of the January 1, 2005 Revised Vehicle Exemptions (which excludes the testing of vehicles on change of ownership for 4 years and biennial inspections for the first 6 years of a vehicles life), 80% (or approximately 400,000) of the vehicles that were due for inspection under the previous laws *do not have to comply to smog inspections* which protect the consumers and most importantly the air!

Under the new laws, the consumers are being burdened with a substantial expense for repairs that otherwise would have been repaired under the manufacturer's warranty. Under the new program, on average there will be *400,000 fewer vehicles tested per month*. At an average failure rate of 10%, and an average repair bill of \$200, an expense of \$8,000,000 ($0.10 \times 400,000 \times \200) per month will be passed onto consumers, an expense that would otherwise be covered under manufacturer's warranty.

In addition to the added expense passed onto consumers by the changes in the January 1, 2005 Revised Vehicle Exemptions, ***40,000 vehicles (per month) in need of repair are not being fixed***, *worsening our air quality!* This is a terrible cost to pay to save the manufacturers, leasing companies, and vehicle dealers their millions in testing fees.

In the first six years of a vehicle's life, the consumer can easily drive in excess of 120,000 miles. Of those 120,000 miles driven, 70,000 miles are driven while the vehicle is out of warranty, uninspected, and possibly exceeding gross polluter emissions levels. For example, it was not unusual under the previous laws for a consumer owning a 4 year old vehicle with 120,000 miles on it to come in for their first biennial smog inspection only to find it failing the smog inspection for the check engine light being on. When questioned about the light the consumer often states that the light "had been on for a year or two".

Initially, the state exempted year model 1965 to 1973 vehicles with the best smog equipment of the day. In 1975 vehicles came with catalytic converters, which gave us even better air quality. With the 2005 Revised Vehicle Exemptions even these vehicles are exempt. Now older and newer vehicles are exempt to give our air quality away, leaving about half of the

remaining vehicles that are still in the "test window" to try to meet zone tolerances.

Possible incorrect Pass/Fail rates on newer vehicles

When most private party vehicles that go to smog shop and the technician sees a check engine light on they check the vehicles year, model and current mileage. If the vehicle has less than 50,000 miles, they often don't perform an inspection, but direct the customer to the manufacturer's dealership for repairs *without performing a smog inspection*. This scenario results in a "No Fail" rate, in spite of an existing malfunction at the time inspection was due. It isn't until *after* the vehicle has been repaired is there an inspection performed, bypassing valuable and statistically significant failure rates.

As it was, in the used vehicle business, many of the used car dealerships employ their own mechanics to do a variety of repairs in preparation for reselling the vehicle. It is common for many of these vehicles to NOT be in a state of smog compliance at time of delivery to the dealership. Any repairs made by these mechanics are typically performed *before* any smog inspection/pre-tests have been performed, thus resulting in a false and higher pass rate for the vehicle's profile and "No Fail rate".

Even vehicles under warranty that fail on the monitor readiness were repaired by these "lot mechanics". Additionally, most used car lots do NOT send vehicles in need of repairs to the manufacturer dealership for smog warranty because it would result in a temporary loss in their used car inventory perhaps over many days. Under the January 1, 2005 Revised Vehicle Exemptions these vehicles do not have to be repaired, and can easily be sold to the consumer "As Is", all the while possibly needing hundreds of dollars in repairs and polluting the air.

Loss of repairs under manufacturer's warranty

The new vehicle warranty programs for many vehicles is 36 months, many of these vehicles have over 50,000 miles and are out of the manufacturer's emissions warranty. When a vehicle is turned in at the end of the lease - be it a private party or leasing corporation - the consumer has no protection

against purchasing a previously one of these previously leased 3 year old vehicles with 50,000 or more miles on it that may be in need of substantial and costly repairs necessary to bring the vehicle within smog compliance.

The absence of an emissions inspection at this juncture exposes the risk of a vehicle being operated with emissions exceeding state emission standards for many months to several years!

No protection against modification

Neither the consumer nor the air quality has any safe guard against the late model "hot rods" that often fail due to "modified exhaust, air intake and aftermarket computer chips". This takes us back to the 1960's and early 1980's when individuals freely removed air pumps, catalytic converters, E.G.R. valves and evaporative emissions canisters to "improve performance".

It took until 1985 for legislation to pass enforcing laws against these types of illegal modifications. The January 1, 2005 Revised Vehicle Exemptions now proposes that the program which has protected consumers and air quality so effectively for over 20 years from illegal modifications now be bypassed for four to six years? This is not progress, it is regress.

Taxes and registration renewal fees are paid every year to use the public roadways, yet the air quality in the vicinity of these roadways is being regulated on only half of the vehicles once every two years. Morally, all vehicles with smog equipment should be checked every year and every time they are sold for use on the public roads and public air to assist in achieving zone tolerance.

In closing, it seems there are only 3 major beneficiaries of the January 1, 2005 Revised Vehicle Exemptions;

- The new vehicle manufacturers as they will no longer need to pay to repair the vehicle under warranty for transfer of ownership.
- Leasing companies, which can sell vehicles to the public and no longer have to repair the vehicles *regardless of the mileage* so long as they do it within four years.

- Used car lots will benefit, as they also do not need to bring their vehicles into smog compliance *regardless of the mileage*, provided that they are less than four years old.

My Back Ground

Over the last 15 years as a smog inspection shop owner with a minimum of two technicians serving the air quality for our great state of California, the public, and the used vehicle industry, we have grown to over 25 fleet accounts and average 300 smog inspections per month.

Most of these fleet accounts deal in bank-financed vehicles less than 10 years old. Yet every week my shop has inspection failures on vehicles that are less than 4 years old.

The list is too long to write on newer vehicle failures that are found all of the time. A 2003 Ford Taurus was recently found to have 60 psi of compression on one cylinder. The vehicle had only 36,000 miles on it.

One of the latest examples was a late model van with 34,000 miles. The vehicle failed the inspection due to Diagnostic Trouble Code (DTC) P1470 denoting the SRS (Supplemental Restraint System) not working.

Thanks to the California smog program as it was the vehicle got its SRS repaired and the new owner may have had their life saved. The \$8 million pocketed each month by the leasing companies, new car manufacturer's and used car dealers does not equal 1 human life. Morally just this one vehicle made this soldier feel a right was done.

What if the vehicle had not been tested under the January 1, 2005 Revised Vehicle Exemptions the new owner dies because of the SRS not working, and the remaining family sues state because of "removed protection"?

Sincerely,
Robert Stahl (owner)
Smog King

Name: Scot Bradford

Category: Smog Check Technician

Address: 34184 County Line Road, # *City:* Yucaipa

State: ca *Zip Code:* 92399

Phone Number: 951-536-5364

May we contact you regarding your comments? Yes

COMMENTS

I think this Gutting of the Smog Check Program will have the same effect on the State as it's going to have on my shop: It cuts the number of cars smogged in half, therefore exceeding it's income with it's expenditures. There is virtually NO chance that cert funds will pay back the general fund. The small window between Exempt and Test Only is such a small slice of the pie, I can guarantee I will not be in the business by the end of the year. Let the crooks have it. I can't believe the State would cut all Test & Repair Station's income in half, with only 5 days notice. A class action lawsuit is inevitable.

I feel really sorry for anyone that just started a Smog Check business in the last year, they're either going to have to be total criminals, or lose their entire investment. Good luck... Scot

Name: Sherman M Maurseth

Category: Automotive Instructor

Address: 1620 Grand Ave. #5

City: San Marcos

State: Ca *Zip Code:* 92069

Phone Number: 760-533-1973

May we contact you regarding your comments? Yes

COMMENTS

These comments are in regard to the proposed `Revised Vehicle Exceptions`. My main question is `how will these changes help clean the air in California?` In reviewing the changes it would seem the main beneficiaries would be new and used car dealers. How about salesmen on the road? would they not, on average, put on up to 300,000 miles on their vehicle before it would be due for a smog inspection? Also the `hotrodders` will be very happy with the new proposed rules. They would be able to place any engine, with modifications, into their vehicle with no inspection due for the first six years. I don't wish to be sarcastic, however, it would seem that money still speaks the loudest!!

S Myron Maurseth

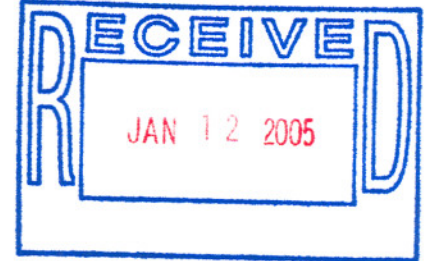
Email: myron@smogfix.com

S.T.A.R.S.
COALITION OF
State Test and Repair Stations



"Your Voice in Sacramento Protecting the Smog Test and Repair Industry"

December 27, 2004



To California State Legislators
& All Interested Parties:

I would like to make some remarks concerning the IMRC Review of the Smog Check Program, but first I think it important to give you a little history on the program and how it has affected the Smog Test and Repair Industry.

In 1997, BAR sold private industry on participating in the Enhanced Smog Check Program, known as Smog Check II. I, and thousands of other business people bought into the smog program at great expense. \$40,000 to \$50,000 per smog machine, plus installation, to reduce pollution in this great state. We all understood that a small portion of the fleet, 17 percent would be directed to test-only facilities. In 1997 there was never a hint that there would ever be an increase in the number of vehicles sent to test-only facilities. We never dreamed that the government would eventually take away our livelihood to the point that we can't even make enough revenue from smog testing to make the payments on our equipment. In case after case, test and repair shop owners have lost up to 80-90 percent of their smog test income to test-only facilities. In some cases have to watch as the test-only facility across the street has a line of their customers waiting to have their vehicles tested while the test and repairs shop owner's equipment sits idle. We bought into this program knowing that it would take a certain number of smog tests per day to be profitable and now we are swimming with a lead weight around our necks that we can't pay for. Last year it cost me personally, over \$100,000 in lost revenue because of BAR directing my customers to test-only facilities, I had to lay off a smog technician because we just didn't have the volume we did before. All the while, BAR has been increasing these numbers, they have been misinforming the Test and Repair Industry as to what the end result would be, and that appears to be financial disaster for many Test and Repair shops.

In late 2001, BAR made the requirement that in order to remain in the smog check program we must purchase additional equipment and then the following month raised the percentage of vehicles directed to Test-Only. And again in mid-2002, we were required to purchase additional equipment and software and then again the following month raised the number of directed vehicles sent to Test-Only. This seems just a little more than coincidental. Again, next year BAR wants us to purchase another \$3000.00 of equipment. While in January we will loose another large percentage of the smog fleet due to the implementation of SB1107 with the exempting of five and six-year old vehicles from the smog check program.

As you can see, there has been a substantial investment by the Test and Repair Industry in the smog check program and more recently the San Francisco Bay Area has been brought into the Enhanced Smog Check Program. These business owners will never recoup the cost of their equipment because of all the changes made over the last seven-year period. This has been inflicted upon them

S.T.A.R.S.

COALITION OF
State Test and Repair Stations



"Your Voice in Sacramento Protecting the Smog Test and Repair Industry"

within one year of purchasing in excess of \$50,000.00 in equipment that sits idle for most of the time. These business owners need immediate relief or run the risk of financial disaster brought on by the smog check program.

Regarding the IMRC's recommendation #1: It is my feeling that exempting these five and six year old vehicles is a mistake, in that, the first time that these vehicles will be tested for emissions they will long be out of warranty. Many will be with their second owner with no way to trace modified equipment back to the individual that originally modified it. IMRC recommends remote sensing as a way to identify high emitter vehicles, but many emission problems will not show up through this type of testing. These items are only caught by a thorough visual inspection or accessing the vehicle's computer. True these represent a small percentage of the vehicle population but still cause 4 tpd of pollution.

Recommendation #2: The rolling 30 year exemption and freezing it at 1976 vehicles and newer. It is our feeling that this will provide substantial emission reductions in the future even though this is a small portion of the fleet, it causes a higher percentage of emissions per vehicle than the rest of the fleet.

Recommendation #3 and #4: Exempting older and high mileage vehicles. As vehicles age, either due to age or mileage, system deteriorates and become less efficient. Many of these vehicles may be on the second or third owner that may not tend to perform regular maintenance on their vehicles. Some vehicles seem to deteriorate at a faster rate than others, these seem to be the cheaper models and the very ones that low income individuals own and also receive the least amount of maintenance. The Test and Repair Industry recommends annual testing of these vehicles and urges that they **be directed to Test and Repair facilities in off cycle years** where the consumer will have the least amount of inconvenience in repairing their vehicle should it fail testing. Also it would afford the BAR the ability to compare failure rates with Test-Only in order to further enhance the Smog Check Program. The reasons for directing these vehicles to Test and Repair facilities are: **(1) To offset the financial impact caused by BAR directing vehicles from Test and Repair to Test-Only facilities. (2) These vehicles have been directed to Test-Only in the past, and the owners will more than likely return there, as they had been directed before.**

Recommendation #6: The inclusion of a smoke test, in the smog check program, would solve a problem that has been going on for years. That is, how can the state allow a vehicle that smokes so badly that you can't stand to be in the same outside area, be allowed to pass a smog check simply because it passed tail pipe emissions and we aren't equipped to test for smoke? These are the same vehicles that you can smell and that burn your eyes and nose and may be a ½ block ahead of you in traffic. There is a small percentage of vehicles that have visible smoke out the exhaust and in some cases lingering smoke that will pass a tail pipe emissions test. These vehicles are polluting every bit as bad as the worst gross polluters. The main problem is that most smoking vehicles cannot be repaired within the \$500 repair cost provided by the Consumer Assistance Program.

S.T.A.R.S.
COALITION OF
State Test and Repair Stations



"Your Voice in Sacramento Protecting the Smog Test and Repair Industry"

Recommendation #7: Exempting vehicles two years and older or less from the change of ownership smog inspection program. This is a consumer protection issue. The next time this vehicle is due for inspection may be five or six years away and, at that time, if it is found that the emission system has been tampered with, the owner may incur great cost to bring the vehicle back into compliance. There are per performance accessories that may be added to a vehicle, which do not meet CARB standards, or may lie to the onboard computer so that it does not recognize a fault in the system. These can be detected during a smog check by visual inspection or through the OBDII diagnosis connector.

Regarding paragraph #1, page 29 concerning durable repairs: A possible explanation is that the consumer did not wish to proceed with further repairs or the vehicle may have been in such a bad case of deterioration that other systems failed that were not affected when the original repairs were performed.

S.T.A.R.S. agrees with the IMRC, for the most part, on their recommendations on smog check with some minor modifications to recommendations #3 & #4, we feel these vehicles need to be directed to the Test and Repair Industry for testing in off cycle years. In recommendation #7 we feel that any vehicle regardless of age should be subject to smog test for consumer protection. We also recommend the rolling back to 17% of vehicles directed to Test-Only, this will make the smog check program easier for the consumer and also protect the Test and Repair from suffering a financial disaster.

We the California Test and Repair Industry hope that you will consider the effect that your legislation will have on our industry and remember that the Test and Repair Industry is 100% responsible for reducing the emissions in this state. If we continue to destroy this industry, as we are, **who will reduce your emissions when all of the TEST AND REPAIR STATIONS are gone?**

Sincerely,

Chris Ervine
President of the Coalition of
State Test and Repair Stations
S.T.A.R.S.

COMMENTS

Consumers



January 24, 2005

Victor Weisser, Chair and Members
California Inspection and Maintenance Review Committee
1001 I Street
Sacramento, CA 95814

RE: IMRC Smog Check Program Evaluation Report

Dear Chairman Weisser and Members:

On behalf of the American Lung Association of California and its medical section, the California Thoracic Society, I am writing to express support for the recommendations for improving the Smog Check program contained in the 2004 IMRC Smog Check Program Evaluation Report.

The American Lung Association of California has been a strong supporter of the smog check program because of its vital role in reducing in-use vehicle emissions that harm human health. More than 90% of California residents live in non-attainment areas for state or federal air quality standards and vehicular sources of pollution are the primary source of our air quality problems. The American Lung Association of California is extremely concerned about the major health burden created by motor vehicle pollution including reduced lung function and growth, increased asthma attacks, increased hospital admissions and emergency room visits, lung illnesses and premature death. Our organization has strongly supported previous legislation such as AB 2683 (Lieber) of 2004 to enact recommendations for program improvement recommended by the California Air Resources Board and the Bureau of Automotive Repair.

The American Lung Association supports the recommendations of the IMRC to improve emission reductions from the Smog Check program to improve air quality and public health. The American Lung Association is especially supportive of the IMRC recommendations to: 1) authorize annual smog check inspections for older model year vehicles and high mileage vehicles, provided that adequate funding is made available through the Consumer Assistance Program for lower income vehicle owners meeting program criteria and 2) authorize the BAR to include a smoke test as part of the Smog Check inspection. These recommendations would provide substantial reductions of vehicle pollutants such as hydrocarbons and nitrogen oxides, are extremely cost-effective, and would further protect public health.

Thank you for the opportunity to comment on the IMRC report. If you have any questions or would like additional information, please contact me at 916-442-4446 ext. 11 or via email at bhgen@alac.org.

Bonnie Holmes-Gen
Assistant V.P., Government Relations
American Lung Association of California

Name: Russell St.Clair

Category: Consumer

Address: 3808 DeSabra Rd

City: Cameron Park

State: ca *Zip Code:* 95682

Phone Number: 530 672-2654

May we contact you regarding your comments? Yes

COMMENTS

I have own my truck since I purchased it in 1987 I have differ had a problem to smog this vehicle.I knew by the conversation at the shop my truck was not going to pass. My truck runs good and now I am stuck with a no pass. they thought they were going to make a big profit off me This shop had no business 2 men drinking coffee watching t.v this smog test was so fast I have had smog test done many times. differ the way this one was done. I feel that 51.75 was stoled from me I think california consumers have a real problem with the way these shops can adjust things on motor or like mine truck and race engine so high they can make tests so you don't pass.

Name: Charlie Peters

Category: Consumer

Address: PO Box DG

City: Beaumont

State: CA **Zip Code:** 92223

Phone Number: (510) 537-1796

May we contact you regarding your comments? Yes

COMMENTS

<http://www.thereporter.com/Stories/0,1413,295~30192~2434269,00.html>

The Reporter

Article Published: Wednesday, September 29, 2004

Smog check unfair

Reporter Editor:

An article titled `Lieber threatened over smog check bill` (The Reporter, Sept. 17) was interesting.

Other pending legislation would postpone smog checks until vehicles were more than 6 years old, so most owners would be past warranty periods if repairs were needed and plans also include eliminating `change of ownership` smog checks up to four years so used car buyers would be subjected to `buying a pig in a poke.`

I wrote a letter to all California Legislators and the governor, but the lack of response makes it seem like nobody gives a darn. The State Inspection and Review Committee that should monitor smog checks seems merely to be a lobbying arm for special interests.

Sure wish I had known that the place to get responsible action was the National Guard facility in Sunnyvale.

Larry G. Armstrong

(CAPP contact: Charlie Peters / (510) 537-1796 / cappcharlie@earthlink.net)

Name: David Kraybill

Category: Other

Address: 575 Hastings Drive

City: Benicia

State: CA *Zip Code:* 94510

Phone Number: 707-208-6893

May we contact you regarding your comments? Yes

COMMENTS

I've been a repair technician with SPX Service for 13 years and am currently the Lead SPX service tech for Northern California. I have watched an alarming trend in the Smog Check program escalate to the point that we now have Test Only stations putting the Test and Repair stations out of business. As more and more vehicles are directed to Test Only there are fewer testable vehicles for the Test and Repair. If you monitor the forums on iATN.com you will see the owners announcing their decisions to leave the program because they can't compete with the low-overhead less-trained Test Only station down the street.

Now the report states that the Test Only stations have higher failure rates. They also have high emitter profile vehicles directed to Test Only, so you should expect that.

I really think that a factor that has been ignored is that the Test & Repair station, in order to keep his clientele, needs to repair vehicles before they are tested. This is forced by the threat of losing the customer if the vehicle tests as a Gross Polluter. At that point he has to send the customer to a Gold Shield or Test Only and may never see them again. If the redirection of Gross Polluters were out of the picture, this market-driven factor would be defused. But you can see how this factor masks the real-world failure rate; car comes in and would fail, but gets repaired first so that it doesn't. I know that's not how the procedure works, but you see how the market and need to stay in business drives it.

From my end, I see the shops that are struggling aren't able to maintain their machines as well or afford to buy the service contracts that allow us service technicians to keep them up. While SPX is the most reliable machine on the market, they still need service sometimes.

Overall, as more and more vehicles are directed to Test-Only, the Test and Repair shops will get out of the smog business and there will be no skilled people or shops left to do the repairs that are actually what cleans the air.

Thank you for your consideration,
David M Kraybill

AFTER REVIEWING THE
RECENT REFORMS PERTAINING
TO SMOG EXEMPTIONS
I THINK ALL CHANGE
OF ~~OWNER~~SHIP VEHICLES
SHOULD BE REQUIRED
TO HAVE A SMOG CHECK
DONE REGARDLESS OF YEAR.
OTHERWISE ANYONE COULD
INSTALL UNAUTHORIZED
AFTERMARKET PARTS OR
REMOVE THE CATALYTIC
CONVERTER & STILL SELL
THE VEHICLE AS A NEW
MODEL USED CAR & NO
ONE WOULD KNOW!

DARRELL Mc CORMICK
3140 NEWTON STREET
#209G
Torrance, CA.
90505

COMMENTS

Other

To Members, IMRC

#1 The increase in vehicles directed to Test-Only Stations.

This has caused an 80-90% drop in revenue from the initial smog test & repair industry.

#2 The requirement that all Test-Only directed vehicles must go back to Test-Only Stations for after repairs testing. I believe that there exists no motivation for a Test-Only operator to pass vehicles. In addition, I further believe that an ethically challenged operator may see this as an opportunity.

#3 The loss of revenue from the 4-year free pass for transfer of ownership as well as a loss of 2 more years, for a total of 6 years, free pass for annual registration.

#4 The ever increasing requirements of new and expensive testing equipment in order to remain in the Smog Check Testing Program.

#5 The proposed screening of vehicles through Remote Sensing. This will remove up to 25% of the vehicles from the biennial smog check program, all of which will only affect the Test & Repair Industry. This is also a direct tax on the industry going to the state coffers.

#6 The proposed 15 year/150,000 mile emission warranty.

What the 15/150,000 will do to our industry is all but eliminate us from the Smog Check Program and the emission industry. I estimate that the after market industry accounts for about 98% of the reduction of emissions in this state. In my own shop, emission repairs count for a considerable amount of revenue, and this loss would possibly put me, as well as thousands of other shops, out of the automotive repair business, not to mention what it could do to the after-market parts manufacturers.

What this will mean to the consumer is that they no longer have a choice of where they want to have their vehicles repaired because the after-market repair shops were driven out of business by regulation. Will consumers be left with only high-priced dealers as their choice? I have loyal customers who want me to do their repairs, is that not their right?

I was invited to participate in the Smog Check Program, at a considerable expense I might add, only to have most of the business taken from my grasp and directed to Test-Only Stations. Initially, only 15% of the vehicles in this state were to be directed to Test-Only, then 36%, when factually, it is now somewhere between 50-80%. Also, we as Test & Repair Stations must bear an unusually high percentage of sales and marketing expense just to try and get what "scraps" are left to us by the BAR.

I truly believe that if the public were properly informed, they would be outraged. I believe in the reduction of pollution in our beautiful state and in the Smog Check Program, but certainly not as it currently exists. I want the preservation of clean air, but let's clean the air fairly. I respectfully request that you give this matter the attention that it truly deserves.

In conclusion, what we are requesting is a level playing field. Let the consumer choose where their smog check is performed. End the practice of the DMV sending vehicles to a "Test-Only" station. Please remember that the "test and repair" industry is 100% responsible for reducing emissions.

Respectfully,



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Since 1928

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OWNER / OPERATOR

P.S.

As of 1/1/2005 I have
put my Business up for
sell because of the LOSS of
Revenue And increased BAR
REBS.



Name: Brad Squires

Category: Smog Check Technician

Address: 7101 Wilton Ave.

City: Sebastopol

State: CA *Zip Code:* 95472

Phone Number: 707-829-5099

May we contact you regarding your comments? Yes

COMMENTS

as usual, people with no automotive knowledge are making decisions that affect the business.. Test Only is a state run scam that has ruined my business.. of the six appointments I had monday, 4 where `test only` that is 66%.. I spent \$60,000 for new equipment last october and cannot make the payments on it or the shop lease because my `smog` business has evaporated.. I have contaced my State representatives about this and joined STAR to protest this action.. restraint of trade? collusion?conspiracy??

Brad Squires

Name: Charlie Peters

Category: Consumer

Address: PO Box DG

City: Beaumont

State: CA *Zip Code:* 92223

Phone Number: (510) 537-1796

May we contact you regarding your comments? Yes

COMMENTS

Clean Air Performance Professionals
Senator Robert Presley,

As the statewide recognized 'father of the California Smog Check program,' we would greatly appreciate your consideration and input on a matter of great importance to a minority small businessman who has been in the Smog Check business for many years.

Mr. Frank Cruz after years of licensed service to his customers volunteered to be considered for the Smog Check Consumer Assistance Program (CAP) State contractor position.

Mr. Cruz is a small business family man who has historically involved himself in community service by providing voluntary guidance and mentoring to kids involved in baseball, as well as involvement in other activities in his community. He was considered a model Smog Check provider by being accepted as a Smog Check Consumer Assistance Program (CAP) State contractor.

Mr. Cruz shared with me that after coming to California at age 7 from Mexico after both his American citizen mother and Mexican citizen father had died. Frank's father was a sugar cane and corn farmer in Mexico.

Determined to become educated, he attended Riverside City College where he was taught that the American legal system was fair. Mr. Cruz believed what he had been taught, and thus pursued a course of legal action that he truly thought would result in his legally fair exoneration. This is what we all want to believe about our system, and it is especially discouraging for someone who has worked so hard within the system to be so let down by it.

Mr. Cruz who became an American Citizen in 1987 and is a legal resident of California for 16 years.

In the year 2000 Mr. Cruz's business manager purchased a used part for repair of a CAP car and obtained an invoice that did not indicate the purchase price. The used car computer was shown on the customer invoice

as 'N' for new, the Smog Tech had informed the motorist the part was used. Mr. Cruz terminated the employment of the business manager in 2000 when concerns over possible missing shop inventory became an issue. Frank believes he paid \$300.00 for the used part his employee paid \$100.00 for. Frank Cruz may be the real victim of fraud.

Mr. Cruz after decades of licensed business without a Citation, office review or reason to believe he was not accepted as the best of the best of his industry, was made subject to an in depth investigation of his business without any notice.

In 2002 Mr. Cruz was presented with an accusation by the regulatory system.

Frank is a member of a large association of automotive businesses. The association lawyer gave Mr. Cruz an estimate of \$20,000.00 to start his representation which he was informed would likely result in him losing an appeal.

Mr. Cruz contacted Susan Fitzgerald of the State Deputy Attorney General (DAJ) California Department of Justice assigned to his case and was offered a deal of loss of the Automotive Repair Dealer license, Smog Check Station license and personal Smog Check tech. license and if he agreed to admit to the accusations, post notice in his business for his customers, pay for the investigation, shut down for a time and agree to 5 years of probation he could continue or be subject to being removed permanently from practicing his trade.

Instead of accepting harsh terms offered he trusted the concept of a hearing before a judge. Mr. Cruz has been put out of business because his former employee was accused of wrongdoing. At no time was Mr. Cruz accused of any misdeed.

Mr. Cruz said to me he believed in the system and in his opinion acted responsibly and mitigated the actions of his employees involved by removing any questionable employees from his business before the accusations had been presented. Frank believed the regulatory judge would act in what would be perceived by Mr. Cruz as a fair outcome.

Today Mr. Cruz was provided with copies from his previous attorney Jeffrey T. Osborn. Mr. Osborn was retained on March 20, 2003. Mr. Osborn was asked to provide approved mitigation information in response to the judge findings that the licenses were removed due to lack of mitigation information. Attorney Osborn was stopped from representing Mr. Cruz on October 30, 2003 and the letter for formal resolution, one last time, was received after Mr. Osborn was dismissed.

In my opinion Mr. Cruz, a California Citizen, deserves to have his business regulatory outcome mitigated so he can again serve his customers.

Governor I believe in the system of regulatory oversight. The investigation and process is appropriate but the outcome of the Cruz case should be mitigated in my opinion.

Mr. Frank Cruz tells me he believes in truth, justice and the American way.

Do you have any ideas how Mr. Cruz might help himself?

To me the Smog Check program seems to use consumer complaints as a primary basis for program enforcement.

It seems to me that the addition of a program random audit, to determine if cars that do not meet state standards are failed and the car fault that created the failure to comply is repaired, could improve program performance more than 100% within 1 year. Additional improvements of reduced fraud, failure rate and cost to the motoring public can be achieved by adding a repair audit to existing program management. If Smog Check providers are audited and provided the opportunity to improve rather than what may be an arbitrary and capricious gotcha that appears to eliminate ethical caring small businesses that need to be supported. The addition of an audit may improve the relationship of all interested parties and the air.

Thank you for your great service to the people of California.

Charlie Peters

(CAPP contact: Charlie Peters / (510) 537-1796 /cappcharlie@earthlink.net)

Name: Charlie Peters

Category: Consumer

Address: PO Box DG

City: Beaumont

State: CA *Zip Code:* 92223

Phone Number: (510) 537-1796

May we contact you regarding your comments? Yes

COMMENTS

<http://www2.ocregister.com/ocrweb/ocr/article.do?id=94359§ion=COMMENTARY&subsection=COMMENTARY&year=2004&month=5&day=10>

The Orange County Register

Monday, May 10, 2004

Cleaning the air at very little cost

A number of bills are now pending in the state Legislature to try to put together an ambitious anti-smog program aimed mainly at automobiles. All of them involve spending more money - \$200 million to \$400 million a year, according to those writing bills and putting together coalitions to support them. And the question is where to get it. Among the proposals are a higher fuel tax, higher car-registration fees, or higher Smog Check fees.

The intention behind this effort is commendable, given the large share of responsibility that autos bear for poor air quality. But before the Schwarzenegger administration signs on, it would do well to look into a simpler approach.

California already has a Smog Check program under which motorists are required to have their car's emissions tested every other year. The trouble is that it isn't very reliable and cheating is rampant.

As writer Tom Elias reported last year, the Bureau of Automotive Repair conducted undercover checks at 1,500 of 8,000 testing stations, and found discrepancies - from testing a clean car in place of one that's dubious to charging for fixes that are never made - at most of them.

Clean Air Performance Professionals, a smog check provider industry and motorist group, estimates that at least some cheating goes on at 80 percent of Smog Check stations. But the group has a proposal to fix things.

CAPP president Charlie Peters has for years been proposing a quality audit of all Smog Check stations. It would be simple. Send in a car with a known

problem. If the known problem is identified and fixed, fine.

If it isn't fixed, the Bureau of Automotive Repair regulators would inform the operator and give him the opportunity to make the fix properly - and let him or her know another test vehicle would be coming through soon, and three or four failures to fix things properly would lead to a loss of Smog Check license.

`That would change behavior in the direction of doing the job right,' Mr. Peters told us. `Considering how much bad work is done now, we figure this approach would reduce toxic emissions by 50 percent in a year. It wouldn't cost more, it would just involve changing how Smog Check is administered.'

Before embarking on a program to scrap more old cars or barge onto a hydrogen highway, the governor should consider CAPP's relatively simple fix.

If it works, we'll have cleaner air and a more honest Smog Check program.

If it doesn't show results within a couple of years, then we can consider more ambitious and more expensive approaches.

(CAPP contact: Charlie Peters / (510) 537-1796 / cappcharlie@earthlink.net)

Name: Charlie Peters

Category: Consumer

Address: PO Box DG

City: Beaumont

State: CA *Zip Code:* 92223

Phone Number: (510) 537-1796

May we contact you regarding your comments? Yes

COMMENTS

Licensed Smog Check service and repair professionals deserve credit and support

Performance Measures

- * a quality audit to improve Smog Check performance
- * a Smog Check audit flag designed to reduce illusions, that will display after a smog test is performed.
- * create vehicle specific emissions standards (proposed by Snap-On Tools) to improve fairness and performance
- * evaluation of the ancillary benefits of Smog Check. Cars that are repaired by unlicensed stations, public and repair industry behavior changes that prevent a car from becoming out of compliance.
- * create smoke standards to reduce particulate matter (PM); Smog Check does not fail smoking cars.
- * require all persons performing Smog Checks to be licensed i.e.; government fleets
- * many cars slip by Smog Check requirements i.e.; brand new zip codes, out of state plates like U-Haul using Arizona plates with local California phone numbers permanently painted on the side of the truck, Safety Clean trucks use California plates but are registered in Chicago to a zip code that is not required to get a Smog Check; require certification for vehicles used in zip code areas that require Smog Check
- * require Smog Checks by providers who do not have an ownership interest in the car being tested.
- * evaluate the level of unlicensed Smog Check repairs provided for pay and develop an audit procedure to improve compliance with the licensing rule.

* official approved manuals required for Smog Check stations have conflicting information, set up continuous correction procedure.

Submitted for a coalition of motorists.

I am happy to answer any questions.

Charlie Peters,

(510) 537-1796,

cappcharlie@earthlink.net

Name: Gary Heller(GRH Enterprise *Category:* Automotive Shop Owner

Address: 98 Sir Francis Drake Blvd. *City:* San Anselmo

State: CA *Zip Code:* 94960 *Phone Number:* 415-258-0991

May we contact you regarding your comments? Yes

COMMENTS

Since the beginning of the fourth quarter of 2004, the number of smog tests performed at our shop (test and repair) has declined by 45%, as more cars are being directed to Test Only stations. A considerable financial committment was required on my part to continue in the smog business, and now that business is declining month-to-month. I turn away, on average, 2-3 customers a day who have been directed to Test Only. The public's awareness of this program is almost non-existent, and I end up explaining the concept to bewildered, and often irate, customers, who end up having the test performed elsewhere. I can refer customers to Test Only sites, but Test Only sites can't reciprocate if work is required. This is, in my opinion, poor judgement and bad business. I have highly-trained repair technicians (smog-certified as well)whose livelihood has been impacted by this drop-off. We have made an investment, not only in Bar 97 equipment, but also in on-going training of our staff. The return continues to dwindle. I'm sure that my experience is not anecdotal, but rather is being reflected by many other test and repair stations. Your attention to this is important to us.

Name: loan nguyen

Category: Automotive Shop Owner

Address: 949 piner place

City: santa rosa

State: ca *Zip Code:* 95403

Phone Number: 707-526-2198

May we contact you regarding your comments? Yes

COMMENTS

attention: IMRC, This is a comment from trans auto care, it concern about the test only program. This shop has only opened about 7 months. We have been noticing a loss in smog due to the amount of test only vehicle being sent to test only center. Please reconsider stoping the large amount of vehicle directed to test only. New bussiness like us is being hurt by this new program. We estimate about 3 to 4 vehicle daily loss to test only. Please take immediate action to help new bussiness like us.
from loan nguyen.

To Members, IMRC

#1 The increase in vehicles directed to Test-Only Stations.

This has caused an 80-90% drop in revenue from the initial smog test & repair industry.

#2 The requirement that all Test-Only directed vehicles must go back to Test-Only Stations for after repairs testing. I believe that there exists no motivation for a Test-Only operator to pass vehicles. In addition, I further believe that an ethically challenged operator may see this as an opportunity.

#3 The loss of revenue from the 4-year free pass for transfer of ownership as well as a loss of 2 more years, for a total of 6 years, free pass for annual registration.

#4 The ever increasing requirements of new and expensive testing equipment in order to remain in the Smog Check Testing Program.

#5 The proposed screening of vehicles through Remote Sensing. This will remove up to 25% of the vehicles from the biennial smog check program, all of which will only affect the Test & Repair Industry. This is also a direct tax on the industry going to the state coffers.

#6 The proposed 15 year/150,000 mile emission warranty.

What the 15/150,000 will do to our industry is all but eliminate us from the Smog Check Program and the emission industry. I estimate that the after market industry accounts for about 98% of the reduction of emissions in this state. In my own shop, emission repairs count for a considerable amount of revenue, and this loss would possibly put me, as well as thousands of other shops, out of the automotive repair business, not to mention what it could do to the after-market parts manufacturers.

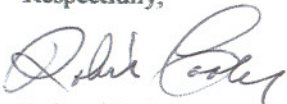
What this will mean to the consumer is that they no longer have a choice of where they want to have their vehicles repaired because the after-market repair shops were driven out of business by regulation. Will consumers be left with only high-priced dealers as their choice? I have loyal customers who want me to do their repairs, is that not their right?

I was invited to participate in the Smog Check Program, at a considerable expense I might add, only to have most of the business taken from my grasp and directed to Test-Only Stations. Initially, only 15% of the vehicles in this state were to be directed to Test-Only, then 36%, when factually, it is now somewhere between 50-80%. Also, we as Test & Repair Stations must bear an unusually high percentage of sales and marketing expense just to try and get what "scraps" are left to us by the BAR.

I truly believe that if the public were properly informed, they would be outraged. I believe in the reduction of pollution in our beautiful state and in the Smog Check Program, but certainly not as it currently exists. I want the preservation of clean air, but let's clean the air fairly. I respectfully request that you give this matter the attention that it truly deserves.

In conclusion, what we are requesting is a level playing field. Let the consumer choose where their smog check is performed. End the practice of the DMV sending vehicles to a "Test-Only" station. Please remember that the "test and repair" industry is 100% responsible for reducing emissions.

Respectfully,



Robert Cooley
Circle J Tire & Auto Repair
5320 Old Redwood Highway
Petaluma, CA 94954
707-795-9712



Part II
In review of the Jan 1 2005 revised vehicle
Exemption
Certification versus Exemption
Our rule makers are at the cross-road of Morality.

A Little History.

After WWII, late 40s early 50s, manufactures made several small vehicles with small engines, Henrey J and Crosslly but the consumer would not buy them, we wanted bigger and more power. By the mid 50s we got the biggest production car ever made to this day, 1954-55 Cadillic, over 6000lb, 331ci, big sign in show room "20 miles per gallon" because gas rationing of WWII was still in the consumers mind. The mid 50s roads and highways were poor and we needed heavy cars with big engines. As the roads got better gas mileage was forgotten. By the early 60s the vehicles were going too far for too long. The manufactures engineers found a new reality "Point of Ignition of Desintegration"- P.I.D. needing to be 3 years for low value and 5 years for high value to fall in with "Bank Financing". Not long after another reality came into play "Emission Control". So came the mid 60s starting the battle for P.I.D. and E.C. which still stands today.

In the late 90s the goverment got the manufactures to produce electic vehicles but again the consumer would not buy. Then came 2000 and the hybrid with Hollywood jump starting sales with a six month waiting list, but now they are sitting on the show rooms waiting for new homes, hopefully sales will get going again.

In 1913 my Great Uncle built a home in Roseville were I was raised. In 1948 through 1950 I was 7 to 9 years old, I could get on the roof and clearly see all the mountains around the valley all summer long. By the 70s and 80s living in New Castle, the only time you could see Sacramento was just after a storm, all the rest of the days the Valley was gray-brown, we could barely see the outline of the hill at 800 feet high below us. Now all you see is brown with faint lines of the buildings of Sacramento.

In the Bible man was raised from the ground and then given the breath of AIR and Life was given. The new born do not survive until it takes in AIR.

If our moon shot can have air problems, our space shuttle can have problems and explode, the space station have food problems one could say thats a **3% Fail Rate**, that being so low, half the safety program from this date is "Exempt".

Corrupt Numbers to Exempt Certifications

Why would we measure smog-forming Emissions in 100s of Tons and Exempt any percentage of Pollution? Some say because of cost, but cost to whom? Until 1-

1-05 the manufactures and resale vendors, their share was paid to insure the consumer that any repairs were completed before the smog. The Consumer Pays for the Smog and Certificate at the time of the Resale Contract.

The manufactures and resale vendors as of 1-1-05 have been given by way of Exemption, warranty or not, to cut cost by not having to repair faults to the tune of **8 to 20 Dollars million** per month. Who gets the Gold Star from the manufactures and vendors for Certification Exemptions.

Communication

Back a few years ago we had a B.A.R. Chief, Mr Keller, who would invite smog shop owners and technicians to meet at assembly halls in Sacramento and Southern Calif, and two or three hundred would show up. There would be computer program-engineers, personnel from Consumer Affairs, Cal Air and Mr. Keller on the podium. Any owner or teck could get in line and speak to the podium of their concerns. At one of those meeting I spoke to the podium about a problem, Mr Keller gave my question to the computer engineers, he told me I was mistaken and if there was a remote chance I was right there was *no way to **FIX** it*. About a week later Mr Smith from B.A.R. came to my shop, I was out, he left a note that I was right, about a month later the Problem was **FIXED!**

Our smog system having had a brake down in "Communication" and unable to find bits and pieces of faults in the system for the Air Board and B.A.R. to assest the computer engineers in improving the programing is a Total Break Down of the system and spreads negative energy, "No one cares about the Air".

Bank Financable "B.F." Corrupts Certification

We have computers programed by program engineers that tell us that **3%** of the 4 year and newer vehicles Fail and most of those are for monitors. These 4 years and newer vehicles fall into 5 years and newer "B.F" most older vehicles fall to the higher interest finance industry serving the small Independent used car Stores. Almost all of B.F. Vehicles are floored by the New Car Stores, Super Chain Stores and Super Stores. Very few of these Stores are without their own smog machines *Inhouse*. These inhouse smog tecks have many other duties. The first thing they do is a 3 min monitor check to see if a smog test can be done, if there are more than 2 monitors the teck must do a "drive cycle" and runs the monitors down to 2, now the vehicle is ready for smog, *No Fail Rate*. Now the last Two monitors have been Exempt to this day, also they can be the hardest monitors to clear and have faults causing pollution. True 10s of thousands passed under Pre 1-1-05 "Exemption" plan corrupting Certification. But under 1-1-05 Exemption we won't have a chance for 5 or 6 years to even get These vehicles down to two monitors, Total Regression. We need progress going back to Pre 1-1-05 and drop the monitor to One and in 2 to 4 years drop the monitor to Zero! Also in this 3% of corruption we have "Check

Engine Light" on, the inhouse teck is not going to waste time "**Time is Money**" running a pretest or test because within 3 min the vehicle is hooked up to a scanner, find the faults, repair the vehicle and smog it, again by the 10s of thousands we have a No Fail Rate. And again these vehicles will be able to be sold "As Is" and not have to be smogged for years.

One of the few places the 3% 4 years and newer fail rate could come from was small Independent Stores that try to get some of these B.F. vehicles for High Profits. Most of the B.F. come from off leasing and repo that are sent to Dealer Auctions all over the State. The Super Stores, Super Chain Stores and New Car Dealers have their Buyers flying to Auctions all over the State to buy B.F., and the small Independent Stores can't afford to out bid the Buyers. Of the 25 Independent Stores, my smog shop services only one has the power to obtain the high value B.F. vehicles. He has two average size Stores, inhouse shop with a led man and 3 and 4 mechanics. Very well equipped shop with a scanner but no smog machine. In Nov 2004 this Independent bought 10 high value B.F. Vehicles in one day All under 60 thousand miles. One vehicle needed its monitors ran and three had Check Engine Lights On. All four out of the 10 were repaired inhouse before our shop smogged them. **Turning a 40% Fail Rate to a False Zero Fail Rate.**

Some Thought For Progress

- (1) Once a new vehicle is sold the first time it could be Exempt for one resale only in the first two years. Any more Time or Exemptions, the vehicle could be problem child or a lemon or worse yet something happend to its Noise and the evap system needing repair or replacing causing Emissions into our Air.
- (2) We went past warranty limits Exempting Private vehicles for the first 4 years, 3 years is more realistic. Because 3 years and 50 thousand miles the vehicle is out of warranty.
- (3) All vehicles 10 years and older "Way Past P.I.D." should be smog checked every year down through 1975 the first year for catalytic converter.
- (4) Exept for # (1) and # (2), **NO** other vehicle at **NO** other time including RESALE should ever be **EXEMPT FROM CERTIFICATION AND COMPLIANCE.**

Equailty By Certification

- (1) The EPA and Cal Air regulate the Manufactures by Certifieing their vehicles so they can bring them to market within reasonable Emission limits of Compliance.
- (2) After the vehicles are Certified and sold for the first time, **NOT ONE** of over 25 million vehicles in our State has never had to be brought into Manufactures Compliance.
- (3) We allow about 3 times, even today, the amount of Nos over Manufacture Certification.
- (4) We have a corrupt system of counting vehicles that can not be counted correctly

in a Capitalistic system "Time Is Money"

(5) We can not see our Valleys in the State because they are so brown with Pollution so we use numbers of Tonnage, be they close to correct or not and say our job is "Good" so we can "Exempt"!

(6) We check half the vehicles half the time and "Exempt" the other half all the time!

(7) We have lots of Wars, Wars of Freedom, poverty, drugs, clean water and clean AIR, the Air Army should not be Demoralized seeing Big Stores getting to Pollute and the rest of us to Test and go by the rules.

(8) We need to take full advantage to clean our Air and keep all our vehicles in Compliance, we have all the Tools in place and the Air Army to do it!

(9) **We need to Stop Trying to Find Excuses to Exempt Our Duties.** We must put that energy into achieving Zero Pollution.

(10) One of our greatest Presidents put forth the Proclamation of Equality "Certification" and declared War on Slavery "Pollution". If after a couple of years and a few 100 Thousand DEAD "Health for all Life" then our Government set forth new rules in saying the war is going "good" as of this date we well EXEMPT Big Plantations with Slaves. Morally would this not have Polluted Equality? Yet the war for Equality in Freedom continues today so does the war on Pollution. We must give NO quarter of our Equality to demoralize and confuse our Air Army, Consumers and Citizenry. We must Progress in Certification and Compliance to Achieve Zero Pollution for our LIFE giving AIR.

Very Sincerly,
Robert L. Stahl.
Smog King
3181 Fulton Ave.
Sacramento CA.
95821
1-916-487-5464

Name: Syed Abbas

Category: Other

Address: 7905 Balboa Ave

City: San Diego

State: CA *Zip Code:* 92111

Phone Number: 858-382-0985

May we contact you regarding your comments? Yes

COMMENTS

Dear Sir

There is a big mess going on these days with smog. Test only doesn't really mean much any longer. Many Gold shield guys have started their own Test Only on some of their family member name. The same person pays the expenses for both Test only and Test & Repair smog shops, these places are mostly own by the Gold shield shop owners. Real Test only can not keep up with it and pretty soon will have to close down. These Test & Repair guys has brought the prices so low that the customers go straight to them not knowing what is weighting for them, when the car fails it is repaired by the Gold shield Mechanics one of the best Mechanics out there. The department of Automotive needs to do some thing about it.

If the BAR or other concerned departments doesn't do any thing about this problem then It is going to be the same as it was. These guys know very well that they are breaking the law.

If, I am in the position to do some thing about it then I will do one of the three things. 1) Make all the stations (test only) and keep a tight check on it, 2) Stop this entire test only thing and let them do what ever they want to, for they are doing it any way. 3) Catch the Law breakers and teach them a lesson that others don't dear to make fun of the Law again.

I hope some one do some thing about this problem and save the innocent real Test Only guys from dealing with this Mess.

Thanks

Name: Syed Abbas

Category: Smog Check Technician

Address: 7905 Balboa Ave

City: San Diego

State: CA *Zip Code:* 92111

Phone Number: 858-382-0985

May we contact you regarding your comments? Yes

COMMENTS

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I hope some one do some thing about this problem and save the innocent real Test Only guys from dealing with this very unfair game.

Thanks

Name: Syed Abbas

Category: Other

Address: 7905 Balboa Ave Ste D

City: San Diego

State: CA *Zip Code:* 92111

Phone Number: 858-382-0985

May we contact you regarding your comments? Yes

COMMENTS

Dear Sir/Madam

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Thanks

PART IV

APPENDICES

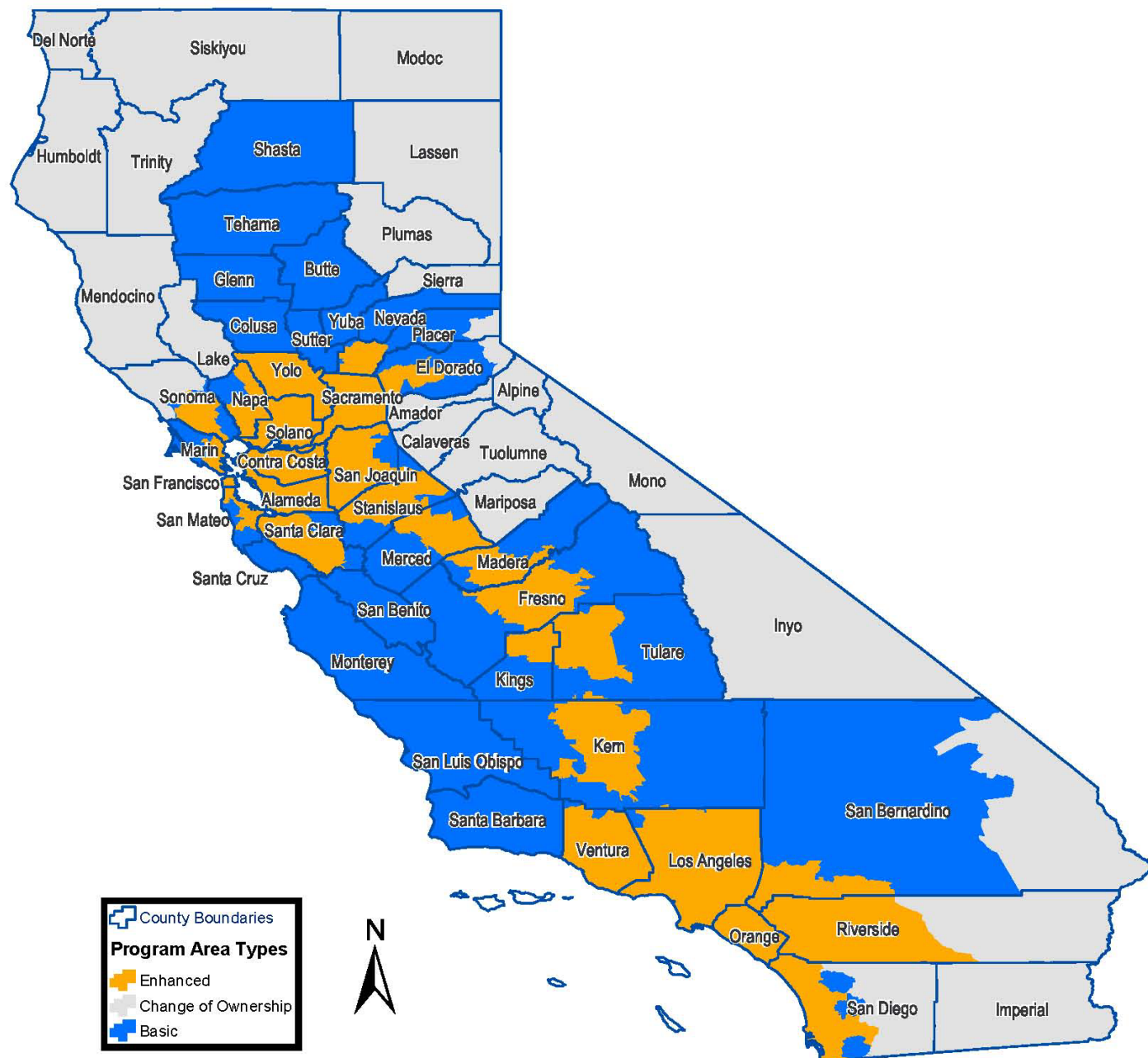
Inspection and Maintenance Review Committee Roster

Member Name	Area of Expertise	Date Appointed	Appointing Authority
Victor Weisser - (Chair)	Representative of Stationary Source Emissions Organization	August 28, 2002	Governor
Paul Arney	Public Member	November 6, 2003	Governor
Dennis DeCota	Representative of I/M Industry	August 25, 2003	Senate Rules Committee
John Hisserich	Social Scientist	November 6, 2003	Governor
Bruce Hotchkiss	Local Law Enforcement Agency	August 21, 2001	Speaker of the Assembly
Gideon Kracov	Public Member	August 25, 2003	Governor
Judith Lamare	Expert in Air Quality	April 23, 2003	Senate Rules Committee
Robert Pearman	Public Member	August 28, 2002	Governor
Tyrone Buckley	Expert in Air Quality	June 9, 2004	Speaker of the Assembly
Jeffrey Williams	Economist	August 28, 2002	Governor

(1)As defined by Section 44021 of the Health and Safety Code

Table 1

California's Smog Check Program Area Types



Bureau of Automotive Repair
Engineering

Check web site at www.smogcheck.ca.gov for updates

Figure 1





Terry Tamminen
Agency Secretary

Air Resources Board

Alan C. Lloyd, Ph.D.
Chairman

1001 I Street • P.O. Box 2815
Sacramento, California 95812 • www.arb.ca.gov



Arnold Schwarzenegger
Governor

December 2, 2004

Mr. Rocky Carlisle
Executive Officer
California Inspection and Maintenance
Review Committee
400 R Street, Suite 1080
Sacramento, California 95814

Dear Mr. Carlisle:

Thank you for your letter forwarding comments from Mr. Doug Lawson on the draft Air Resources Board (ARB)/Bureau of Automotive Repair (BAR) report to the Inspection and Maintenance Review Committee (IMRC), *Evaluation of the California Enhanced Vehicle Inspection and Maintenance (Smog Check) Program*, April 2004.

Mr. Lawson expressed concern regarding the representation of high emitters in California's EMFAC motor vehicle emissions model. The Air Resources Board (ARB) concurs with Mr. Lawson that accurately reflecting high emitting vehicles is important to predicting California fleet emissions. When simulating the impacts of Smog Check, the EMFAC model divides vehicles into five regimes: super, very high, high, moderate, and normal. High emitters are reflected in the super and very high regimes. Smog Check affects predicted emissions by moving vehicles among these emission regimes based on data collected from in-use vehicles that underwent inspection. Some vehicles move to lower-emitting regimes due to identification and subsequent repair, even as deterioration occurs with odometer increases. Further information on the methods used to model Smog Check is available on ARB's web site at www.arb.ca.gov/msei/on-road/doctable_test.htm. The effective and accurate characterization of the effects of high emitters in the emissions inventory remains a high priority for ARB staff.

In addition, recent independent analysis has validated EMFAC's prediction of the occurrence of high emitting vehicles. Sierra Research, Inc. (SRI), in work contracted this year on behalf of the Western States Petroleum Association, compared the distribution of hydrocarbon (HC) emissions found in 2002 roadside test data to EMFAC2002 estimates. SRI found good agreement between emissions predicted by

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Website: <http://www.arb.ca.gov>.

Mr. Rocky Carlisle
December 2, 2004
Page 2

EMFAC and the roadside data. In both cases, approximately ten percent of vehicles are responsible for one-half of exhaust HC emissions.

Mr. Lawson expressed additional, more general concerns about the accuracy of California's EMFAC motor vehicle emissions model. ARB has a 25-year history of using research and the public process to continually improve its emissions estimation tools. The emission factors in EMFAC are derived from extensive in-use vehicle testing conducted by ARB and the U.S. Environmental Protection Agency. Model results have been verified through comparison with other data sources. Because no model is perfect, we remain committed to a process of ongoing model refinement and invite broad participation in model review and improvement activities. ARB recently held three workshops on the emissions inventory, where we solicited public input and described forthcoming improvements to EMFAC. The workshop presentations, including updates to Smog Check and other EMFAC model elements, may be found on ARB's mobile source emissions inventory web page at www.arb.ca.gov/msei/msei.htm. We continue to welcome constructive comments on EMFAC as we move improvements forward.

Since EMFAC is continually being improved, recent emissions estimates better represent the impacts of the current Smog Check program. Consequently it should come as no surprise to Mr. Lawson that estimates of program benefit have changed in the thirteen years since SB 1997 was considered by the Legislature. The fact that estimates of Smog Check benefit are lower now than they were in 1991 is itself evidence of in-use fleet emission reductions, a success owed in part to implementation of enhanced Inspection and Maintenance program. Smog Check has worked because it has continually and incrementally chipped away at excess emissions as in-use vehicles age.

Another concern raised by Mr. Lawson concerns Table 3.2 in the draft report, which presents fleet-average exhaust emission reductions from the roadside data. We can clarify that the comparison was adjusted to account for the differing calendar years of data collection. The comparison takes into account the effects of fleet turnover, and the 1999 before-test data were forecasted to a 2002 basis to account for anticipated emission control system deterioration between 1999 and 2002.

We would also like to address Mr. Lawson's analysis that Smog Check reduces the failure rate from 15.6 percent (draft report Table 3.7) to 13.9 percent (draft report Figure 4.4), a drop of only 1.7 percent. The two numbers are not comparable. However, Figure 4.4 does indicate that vehicles are not being optimally repaired, failing shortly after a smog check, and maximum emission benefits are not being achieved.

Mr. Rocky Carlisle
December 2, 2004
Page 3

Mr. Lawson also requested that ARB or BAR staff conduct further analysis of Smog Check emissions benefits based on roadside data. As he points out, roadside data were used to verify the benefits of the Smog Check program, with encouraging results. ARB staff considered Mr. Lawson's suggested additional methodology, but we have a number of concerns about the steps proposed and the method's consequent value. Among these, adjusting all of the roadside emissions data based on the ratios of concentrations to standards appears to algebraically inflate the influence of high emitters. We would also need to adjust for the fast-pass algorithm, artificially lowering concentrations relative to roadside data. It is also questionable whether an analyst could truly isolate the "time-since-Smog Check" effects from other effects specific to time of testing, such as temperature, relative humidity, and program changes. Given these issues and uncertainties, we are not prepared at this time to carry out the additional analysis recommended by Mr. Lawson.

We have taken note of the additional comments by Mr. Lawson on the draft report to the IMRC. Questions related to station performance, however, are more appropriately addressed to BAR staff. ARB has forwarded a copy of Mr. Lawson's comments to BAR. We agree there is room to improve the Smog Check program, and are pleased that some of the report's recommendations are already being implemented.

If you have any questions or need further information, please call me at (916) 322-2892, or Mr. Doug Thompson, Manager, Motor Vehicle Assessments Section, at (916) 322-7062.

Sincerely,



Tom Cackette
Chief Deputy Executive Officer

cc: See next page.

Mr. Rocky Carlisle
December 2, 2004
Page 4

cc: Mr. Victor Weisser, Chair
California Inspection and Maintenance
Review Committee
915 L Street, Suite 1435
Sacramento, California 95814

Mr. David Amlin, Chief
Engineering and Research Branch
Bureau of Automotive Repair
10240 Systems Parkway
Sacramento, California 95827

Doug Thompson
Planning and Technical Support Division

November 26, 2004

Friday

88.95

November 2004

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December 2004

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TEST ONLYS

☐ TaskPad

96 JEEP - GRAND CHERKDEE

98 TOYOTA COROLLA

89 - 07 ZB

78 CHRYSLER

92 MAZDA MPV

98 FORD EXPLORER

98 CADILLAC DEVILLE

STATION COPY

Notes

STATION COPY

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November 29, 2004

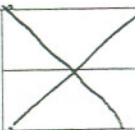
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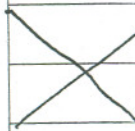
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93 MERB 300E

99 VW BEETLE

85 Volvo

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96 Ford Mustang

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\$107.00

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Notes

MRS STEFFANI

CHECK ENGINE

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November 30, 2004

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79 MZB 280 CG

87 ACURA INTEGRA

95 TOYOTA 4 RUNNER

916 NISSAN SENTRA

Notes

AT-836
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December 02, 2004

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M. Anderson

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CARL for girl
pick up

CATION COPY

Notes

88 HOWARD ACCORD
97 EAGLE T ALON
91 Borsch

877 722375

December 04, 2004

aturday

December 2004						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

January 2005						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

7 ^{am}	X
8 ⁰⁰	TRIMBLE
9 ⁰⁰	TAK
10 ⁰⁰	AN Clock Casey
11 ⁰⁰	
12 ^{pm}	X
1 ⁰⁰	Jany's Mendleson Brett
2 ⁰⁰	
3 ⁰⁰	Ave
4 ⁰⁰	
5 ⁰⁰	
6 ⁰⁰	

TaskPad
<input checked="" type="checkbox"/> TaskPad
TEST ONLY'S
90 PLYMTH GL
92 SCAB 2 ZIM635
96 Toyota 4Runner 3THD

Notes

62
48
102

December 06, 2004

Monday

MR.

97 JAG ~~8~~ 90K
XT6 823-6092
329-0961

December 2004

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

January 2005

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

7^{am}

8⁰⁰

9⁰⁰

10⁰⁰

11⁰⁰

12^{pm}

1⁰⁰

2⁰⁰

3⁰⁰

4⁰⁰

5⁰⁰

6⁰⁰

JUAN

CLARK =

DWON

TaskPad

☐ TaskPad

91 MAZDA-929
97 CHEV - ASTRO VAN
98 TOYOTA - COROLLA

Notes

6³⁴ →
21.40 →

21.40

406 077

700 941000

415-602-4544

December 07, 2004

Tuesday

December 2004						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

January 2005						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

7 am ~~XXXXXX~~

8⁰⁰

9⁰⁰ LUSSIER
DANIEL

10⁰⁰

11⁰⁰

12 pm ~~XXXXXX~~

1⁰⁰ IBROM
BOB CONNELLY
JACK KELLEY

2⁰⁰

3⁰⁰

4⁰⁰

5⁰⁰ ~~XXXXXX~~

6⁰⁰

TaskPad

☐ TaskPad

89 GMC SUBURBAN
97 FORD EXPLORER

Notes

3.8.9

December 08, 2004

Wednesday

December 2004

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

January 2005

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

7 am ~~X~~

8⁰⁰

9⁰⁰ JOHN —
MARCH —

10⁰⁰ QUANDT —
BROM —

11⁰⁰

12 pm ~~X~~

1⁰⁰

2⁰⁰

3⁰⁰ ADAM

4⁰⁰

5⁰⁰ ~~X~~

6⁰⁰

TaskPad

☐ TaskPad

94 BMW 530i

93 VW EURO VAN

93 BUICK ROADMASTER

Notes

Thursday

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

TaskPad	
7 ^{am}	<input checked="" type="checkbox"/> TaskPad
8 ⁰⁰	
9 ⁰⁰	
10 ⁰⁰	
11 ⁰⁰	
12 ^{pm}	
1 ⁰⁰	Mentoring
2 ⁰⁰	SCHOOLER Kurt Kaiser
3 ⁰⁰	
4 ⁰⁰	Reef
5 ⁰⁰	
6 ⁰⁰	
Notes	

December 11, 2004

aturday

December 2004						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

January 2005						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

7 am

8⁰⁰

9⁰⁰

10⁰⁰

11⁰⁰

12^{pm}

1⁰⁰

2⁰⁰

3⁰⁰

4⁰⁰

5⁰⁰

6⁰⁰

Platte

Love

Kathy mess

X

TaskPad

☒ TaskPad

festivity

Tox 95 Anelw 3 LBA813

Subers 98 3 X10000

Notes

December 13, 2004

Monday


December 2004						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

January 2005						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

69.95

7 ^{am}	
8 ⁰⁰	
9 ⁰⁰	
10 ⁰⁰	SANDERS 66
11 ⁰⁰	
12 ^{pm}	
1 ⁰⁰	WEISS = 66 MCGLYNN = 66
2 ⁰⁰	
3 ⁰⁰	
4 ⁰⁰	2262
5 ⁰⁰	
6 ⁰⁰	

TaskPad
<input checked="" type="checkbox"/> TaskPad
89 ACURA IN.
95 SAAB
95 HONDA CIVIL
87 TOYOTA

Notes


11/22

December 14, 2004

uesday

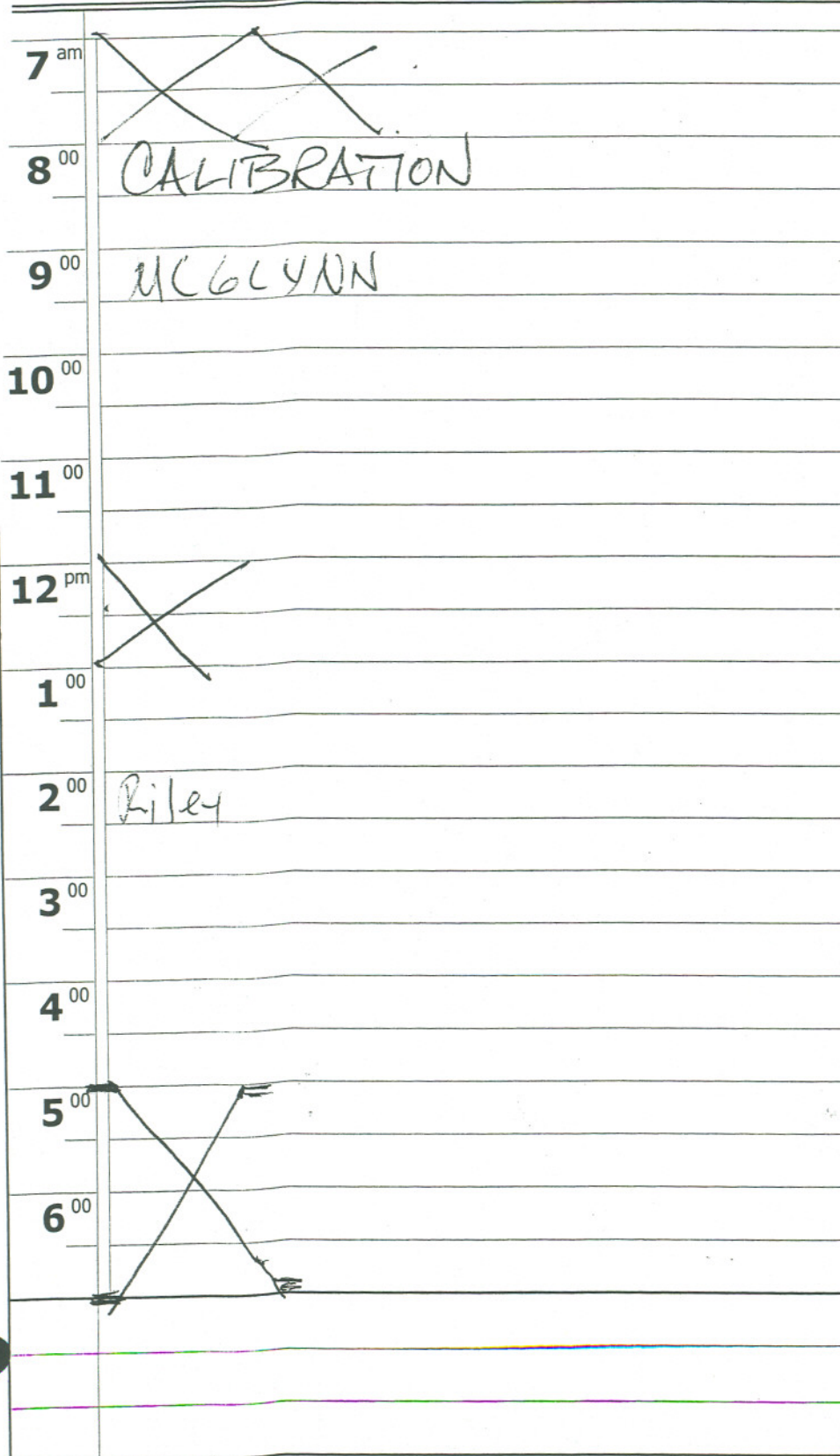
BOB

December 2004

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

January 2005

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					



TaskPad

☒ TaskPad

92 HONDA Civic
88 Volvo

Notes

Happy A/C Downmodulated

December 15, 2004

Wednesday

December 2004

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

January 2005

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

7 ^{am}	X
8 ⁰⁰	LARRY GORMAN KNAPP
9 ⁰⁰	Doherty JAN BONDS
10 ⁰⁰	DAWN 773-1408 Lynn-
11 ⁰⁰	
12 ^{pm}	X
1 ⁰⁰	PAMELA
2 ⁰⁰	
3 ⁰⁰	MALWA STAR LOTS
4 ⁰⁰	NADANEN JACUIS DAWA 6-16
5 ⁰⁰	X
6 ⁰⁰	X

TaskPad

☒ TaskPad

97 CAD

93 M2B 300

93 FORD F150

Notes

December 17, 2004

Friday

December 2004

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

January 2005

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

7 ^{am}	
8 ⁰⁰	CALIBRATION
9 ⁰⁰	McKINNON
10 ⁰⁰	JACOBS
11 ⁰⁰	Porsche assignment JOHN
12 ^{pm}	
1 ⁰⁰	BRAKER
2 ⁰⁰	BRAKER
3 ⁰⁰	JACOBS
4 ⁰⁰	WANG
5 ⁰⁰	
6 ⁰⁰	

TaskPad

☒ TaskPad

87 HONDA Accord

99 PORSCHE BOXER

17-2

Notes

~~2-10-75 H~~

Monday

S M T W T F S

				1	2	3	4
5	6	7	8	9	10	11	
12	13	14	15	16	17	18	
19	20	21	22	23	24	25	
26	27	28	29	30	31		

S M T W T F S

2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

TaskPad	
<input checked="" type="checkbox"/> TaskPad	
7 ^{am}	
8 ⁰⁰	CALIBRATION
9 ⁰⁰	Chin
10 ⁰⁰	Casey
11 ⁰⁰	
12 ^{pm}	
1 ⁰⁰	Robo-
2 ⁰⁰	Ron.
3 ⁰⁰	Rendall
4 ⁰⁰	ANDERSON
5 ⁰⁰	PENNSILA
6 ⁰⁰	

Notes

24.32

December 21, 2004

Tuesday

December 2004

S M T W T F S

				1	2	3	4
5	6	7	8	9	10	11	
12	13	14	15	16	17	18	
19	20	21	22	23	24	25	
26	27	28	29	30	31		

January 2005

S M T W T F S

							1
2	3	4	5	6	7	8	
9	10	11	12	13	14	15	
16	17	18	19	20	21	22	
23	24	25	26	27	28	29	
30	31						

7 ^{am}	X
8 ⁰⁰	
9 ⁰⁰	HANDLED ✓
10 ⁰⁰	TONY REYNOLD → ✓
11 ⁰⁰	
12 ^{pm}	X
1 ⁰⁰	SUR CONTI
2 ⁰⁰	
3 ⁰⁰	
4 ⁰⁰	
5 ⁰⁰	X
6 ⁰⁰	X

TaskPad

☒ TaskPad

NO TEST ONLY VEHICLES

Notes

95
50

MT 25

LO4 1/52-
465-8987

December 22, 2004

Vednesday (LINDA →
ANDERSON)

December 2004

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

January 2005

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

7 am

8⁰⁰

9⁰⁰

10⁰⁰ Fleyler

11⁰⁰

12 pm

1⁰⁰ DAVID

2⁰⁰ LUCAS - Volvo (Norsk)

3⁰⁰ Anastasio - Jeep Wrangler '93

4⁰⁰ Foley

5⁰⁰

6⁰⁰

TaskPad

☒ TaskPad

91 NISSAN 240SX

93 HONDA CIVIC

88 HONDA ACCORD

92 PLYMOUTH

93 JEEP WRANGLER

Notes

98.20

Dain

Ham

Ham

Giving

A custom

A ride home

04504

#122.22

December 23, 2004

Thursday

December 2004

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

January 2005

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

7 ^{am}	XXXX
8 ⁰⁰	BARBARA HARRY
9 ⁰⁰	
10 ⁰⁰	RUSS - RETEST
11 ⁰⁰	
12 ^{pm}	XXXX
1 ⁰⁰	POLLARD
	DAN
2 ⁰⁰	ROBERT
3 ⁰⁰	
4 ⁰⁰	
5 ⁰⁰	XXXX
6 ⁰⁰	XXXX

TaskPad

☐ ☒ TaskPad

85 Ford Focus
93 Honda Civic

Notes

December 24, 2004

Friday

December 2004

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

January 2005

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

7 ^{am}	
8 ⁰⁰	MICER
9 ⁰⁰	
10 ⁰⁰	KADY
11 ⁰⁰	
12 ^{pm}	
1 ⁰⁰	
2 ⁰⁰	
3 ⁰⁰	
4 ⁰⁰	
5 ⁰⁰	
6 ⁰⁰	

TaskPad

☒ TaskPad

NO TEST
ONLY CARS

NO INVOICES

Notes

December 27, 2004

Monday ~~DODGE~~

DIANE - 94 HONDA

December 2004						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

January 2005						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

7 ^{am}	
8 ⁰⁰	
9 ⁰⁰	
10 ⁰⁰	
11 ⁰⁰	
12 ^{pm}	
1 ⁰⁰	
2 ⁰⁰	
3 ⁰⁰	
4 ⁰⁰	
5 ⁰⁰	
6 ⁰⁰	

TaskPad

☒ TaskPad

NO TEST ON 2/5

Notes

December 28, 2004

uesday

December 2004

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

January 2005

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

7^{am} ~~X~~

8⁰⁰

9⁰⁰

10⁰⁰ ~~John~~

11⁰⁰ WEBB →
JAMIE →

12^{pm} ~~X~~

1⁰⁰ LYNN HERSH =

2⁰⁰

3⁰⁰

4⁰⁰

5⁰⁰ ~~X~~

6⁰⁰ ~~X~~

TaskPad

☒ TaskPad

97 CHEV LUMINA

94 HONDA

96 HONDA CIVIC

93 FORD F150

\$98.20

Notes

December 29, 2004

Wednesday

December 2004

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

January 2005

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

7^{am} ~~X~~

8⁰⁰ CALIBRATION

9⁰⁰

10⁰⁰ KIRIK =

11⁰⁰

12^{pm} ~~X~~

1⁰⁰ CONNIE
GERONIMO

2⁰⁰

3⁰⁰ GEIBEL ⇒

4⁰⁰

5⁰⁰ ~~GABYS~~

6⁰⁰ ~~X~~

TaskPad

TOYOTA CELICA

Notes

Thursday

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

	TaskPad
7 ^{am}	<input checked="" type="checkbox"/> TaskPad 90 CADILLAC DEVILLE 92 NISSAN PATHFINDER 79 MERZ
8 ⁰⁰	
9 ⁰⁰	
10 ⁰⁰	
11 ⁰⁰	ANDRE GABRIEL
12 ^{pm}	
1 ⁰⁰	
2 ⁰⁰	STEVE
3 ⁰⁰	
4 ⁰⁰	
5 ⁰⁰	
6 ⁰⁰	
	Notes

December 31, 2004

Friday

December 2004

S M T W T F S

			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

January 2005

S M T W T F S

						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

ON COPY

7 ^{am}	
8 ⁰⁰	
9 ⁰⁰	
10 ⁰⁰	
11 ⁰⁰	BARASCH = /
12 ^{pm}	X
1 ⁰⁰	
2 ⁰⁰	
3 ⁰⁰	
4 ⁰⁰	
5 ⁰⁰	
6 ⁰⁰	

TaskPad

☒ TaskPad

No TEST ONLY

Notes

\$98.20

January 03, 2005

Monday

8

3.4

January 2005
S M T W T F S
2 3 4 5 6 7 8
9 10 11 12 13 14 15
16 17 18 19 20 21 22
23 24 25 26 27 28 29
30 31

February 2005
S M T W T F S
6 7 8 9 10 11 12
13 14 15 16 17 18 19
20 21 22 23 24 25 26
27 28

TaskPad

☒ TaskPad

JETTA ->

Notes

7 am

8⁰⁰ Steele Harris (650) 245-5588
GMC Yukon (Brakes).

9⁰⁰ ~~Pygmy - 6829044~~

10⁰⁰ 'Hanson' Mazda Van
oil change pickup 4PM

11⁰⁰

12 pm

1⁰⁰

2⁰⁰

3⁰⁰

4⁰⁰

5⁰⁰

6⁰⁰

January 04, 2005

Wednesday

January 2005

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

February 2005

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

7^{am}

8⁰⁰

9⁰⁰

10⁰⁰

11⁰⁰

12^{pm}

1⁰⁰

2⁰⁰

3⁰⁰

4⁰⁰

5⁰⁰

6⁰⁰

TaskPad

☒ TaskPad

NO TEST ONLY

Notes

January 05, 2005

Wednesday

18
925-682-6400

January 2005

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

February 2005

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28					

7 ^{am}	
8 ⁰⁰	
9 ⁰⁰	CALIBRATION
10 ⁰⁰	MUICKENJEE →
11 ⁰⁰	
12 ^{pm}	
1 ⁰⁰	
2 ⁰⁰	
3 ⁰⁰	HAGENAH, Pam
4 ⁰⁰	CHAMFORD
5 ⁰⁰	
6 ⁰⁰	

TaskPad

☒ TaskPad

1998 CHEN, CAVAIKEN

Notes

KENT H. KAISER

82 Elena Avenue

Atherton, California 94027

December 28, 2004

Senator Joseph Simitian
State Capitol
P.O.Box 942840
Sacramento CA 94249-2021

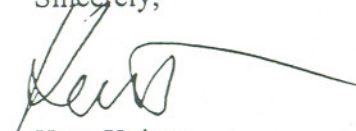
Dear Senator Simitian:

For many years our family has taken our cars to the Menlo Chevron station in Menlo Park for smog checks. When I took one of our cars in last week for a smog check I was told that I had to take it to a Smog Check Only test station. This is ridiculous. Menlo Chevron has just been rebuilt at a cost of close to a million dollars and smog checks are a big part of their business besides being a convenience for those of us who support local merchants.

I was forced to take my car to a test only facility not near our house and PAY MORE for the test than I would have at Menlo Chevron. There is something wrong with this arrangement and the whole situation smacks of government interference at best and probable corruption at worst.

Please change the law so that we can continue to support our local merchants and deal with people we know who are reputable.

Sincerely,



Kent Kaiser

**Need a New Car?**

Select A Make

GO



Remember me

[Check Mail](#) [New Mail](#) [Contacts](#) [Preferences](#) [MailLink Help](#)

Folders

[Inbox](#)
[Drafts](#)
[Sent Mail](#)
[Trash](#) 40
[Folder Manager](#)Learn about MailLink
size and storage limits.
Filter your e-mail with
SpamShield™.[Reply](#)[Reply All](#)[Forward](#)[Delete](#)Move
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From: Katrina Morris [Add to Address Book](#) [Add this Address to my Book](#)**Subject:** California Smog Check**Date:** Dec 1 2004 5:46p**To:** <Senator.Sher@sen.ca.gov>, <Assemblymember.Simitian@assembly.ca.**Cc:** <johnc@menlochevron.com>

Hi folks,

I took my car in to my favorite mechanic today for a smog check, but out that he isn't allowed to smog check my vehicle anymore. Instead directed to another business (in the next town, mind you) that only smog tests. If my car had failed to pass the test, then I would have to take it back to my mechanic to be fixed and then back to the smog business to be re-checked.

Not only is this process a complete waste of time for someone like me who works full time and has small children to look after, it interferes with my choice as a consumer to research and decide who I want to take my car for smog checks. It also assumes that those conducting smog checks who are competent to repair a vehicle are not to be trusted. While this may be the case in some instances, there are many honest service providers out there who in good faith invested in smog checking equipment they can no longer use to the maximum and who now must refer their customers elsewhere. This regulation REQUIRING me to go to a smog check only facility interferes with my choice as a consumer and hurts many small and good businesses.

Please don't vote to make it mandatory for me to do it this way in the future.

Thanks,

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SMOG CHECK, 2004

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